



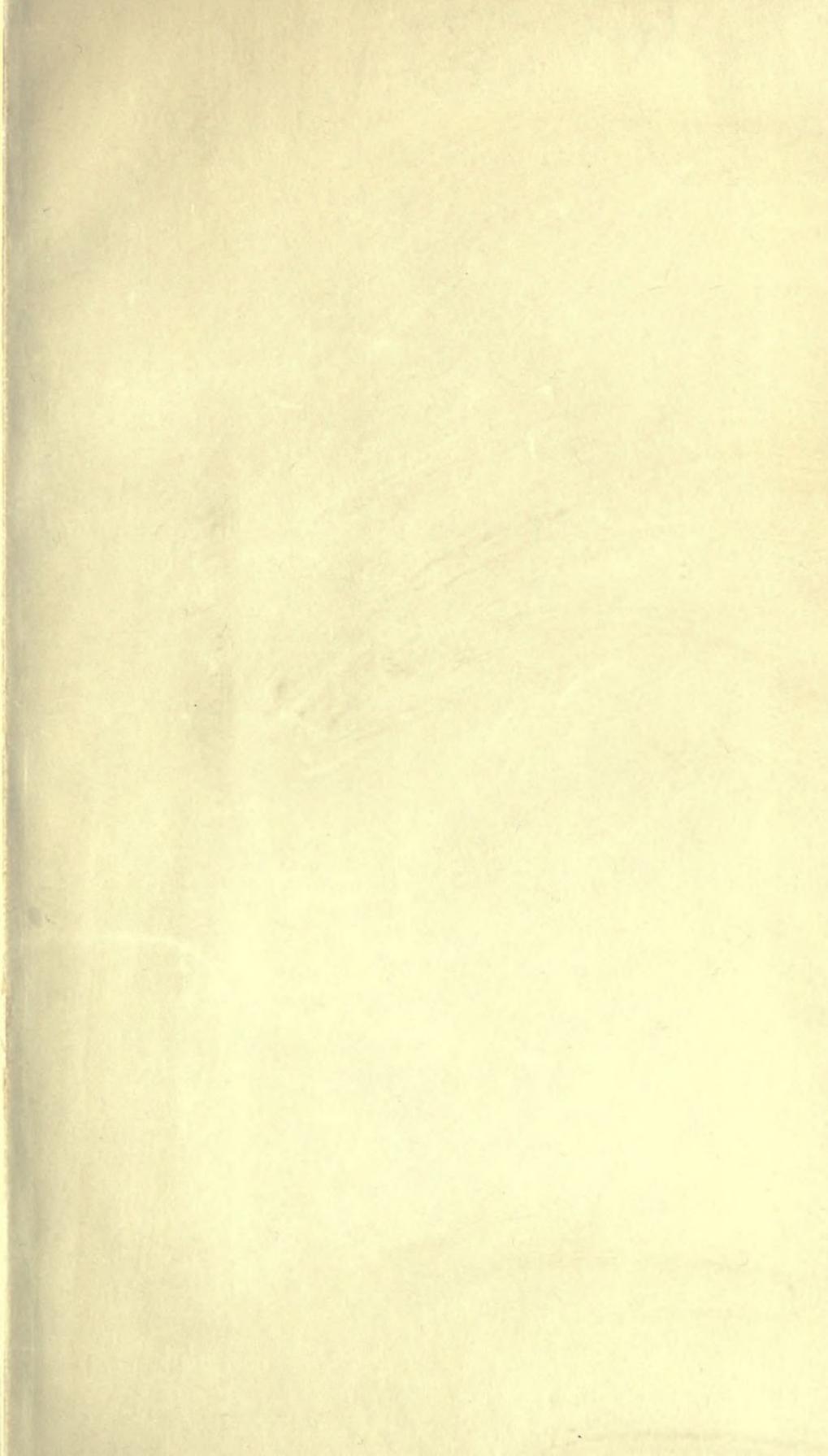
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JAMES GRAHAM,

MARQUIS OF MONTROSE

*Engraved by M<sup>r</sup>. Freeman.*

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THE

HISTORY

OF

S C O T L A N D,

TRANSLATED FROM THE LATIN

OF

GEORGE BUCHANAN;

WITH

NOTES,

AND

A CONTINUATION TO THE UNION IN THE REIGN OF QUEEN ANNE.

BY JAMES AIKMAN, Esq.



IN FOUR VOLUMES.

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SCOTLAND

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A HISTORY OF THE HABITATION OF THE EARTH  
BY JAMES ALKMAN, Esq.

IN FOUR VOLUMES

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OF

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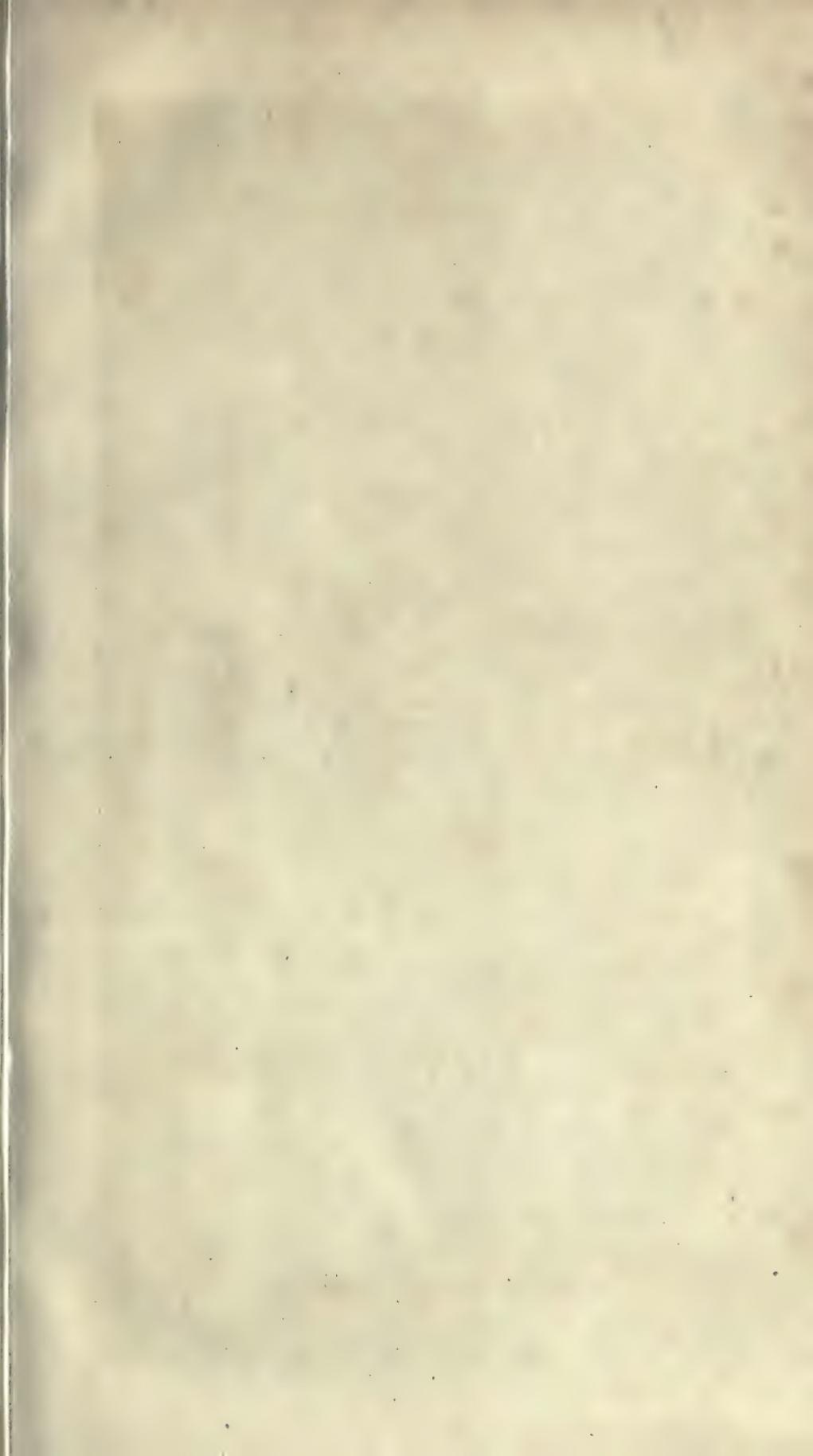
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# BATTLE OF BOTTENVELLE BRIDGE.

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THE  
**HISTORY OF SCOTLAND.**

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BOOK VI.

NATIONAL discontent seldom originates in trivial matters, nor is it easy to excite a people against an established government, even in cases of flagrant misrule, unless their natural attachment have been previously alienated by continued oppression or neglect. Revolutions, however sudden in appearance, are not in common the effects of sudden impulse; the immediate visible agents may be trifling, the shock unexpected, instantaneous, and universal, but there must have been in silent operation, a number of unnoticed, unheeded causes, which in fact produce them. The revolution in Scotland, productive of such important consequences, first assumed form and shape from a very insignificant circumstance—the indignation of an old woman against the prayer book, but the causes were the tyranny and misrule of two reigns. To the same causes may be traced the troubles of England, and the commotions which for so many years shook the island, upon the narration of which, as far as Scotland was concerned, we are now to enter. The grievances of both nations were similar in many respects, but the point on which we shall find them most cordially united for a while, was aversion to prelacy. That this aversion in Scotland was well founded, is sufficiently evident from the details which have been given; that it was equally so in England, will appear from a very brief review of some of the processes in the court of high commission, and star chamber. In Scotland, the conduct of the court of high commission, was arbitrary and severe, but the enormities of which its model in the sister

kingdom was guilty, were more vexatious, terrible, and revolting. The following instances will suffice.

The church of St. Edmond's in Salisbury, which had been sequestrated by act of parliament, in the reign of Henry VIII. was sold to a private individual by James I., and after several transfers, was purchased by the parishioners, who restored it to its original use. The windows, painted after the old fashion, among other things, contained a history of the creation, in which the Almighty was drawn under the figure of an old man, with a pair of compasses, in the act of measuring the sun, as if to take its true proportion. Judging the representation too ludicrous and profane, the vestry desired it to be removed, and the vacancy replaced with plain glass. The recorder, in obedience to their commands, employed a glazier to effect this reformation, but unfortunately, in pointing out the panes, he carelessly, or maliciously struck some of them rather hard, and demolished part of the fair work of the creation. For this sacrilege, he was summoned before the star chamber, and charged with having, in opposition to the canons, which forbid any innovation or alteration in the beautifying of a church, without special license from the king, or the bishop of the diocese, combined with other enemies of the church of England, and her government by bishops, to break down the windows of the church of St. Edmond's, and deface the excellent pictures of the creation, painted thereon, of great antiquity, and highly ornamental, in contempt of his majesty and their diocesan, and to the encouragement of other wicked and schismatical persons, who, by the example of such profanity, would be emboldened to commit similar outrages upon sacred places.

The recorder, in his defence, contended, that from the time it fell into the hands of the crown, the church was legally exempted from the jurisdiction of the bishop, and those who purchased it, had power to alter the windows, as they had done the steeple, pulpit, and other parts of the building; that he only had knocked out some squares of coloured glass, but the story of the creation was still complete, and so far from being fine, it was a coarse daub, which did not cost above forty shillings, and which impiously con-

tradicted and profaned the Scripture account; for to express the fifth day's work, the similitude of a naked man was painted lying on the earth, as it were asleep, and so much of the similitude of a naked woman, as from the knees upward, seeming to grow out of his side, whereas, Adam was created on the sixth, and the woman instead of growing out of his side, was formed of a rib; for the seventh, a little old man sitting, figured God's rest;—besides, there were acts of parliament, authorizing the removal of pictures from churches. But his pleas were set aside, and he was sentenced to pay a fine of five hundred pounds, to be removed from the recordership of the city, make a public acknowledgment of his fault, and be bound to his good behaviour. Laud, who was present, and could find no alleviating circumstance in the case of the poor recorder, who was suspected of being a puritan, having apologized for the painter's mistake respecting God, by quoting a text, in which he is called the Ancient of days, the earl of Dorset begged leave to correct him, the passage meant God from eternity, and not God to be pictured as an old man, creating the world with a pair of compasses.

William Prynne, of Lincoln's Inn, barrister, a gentleman highly esteemed in the profession, of extensive property, and irreproachable loyalty, having on his first arrival in London, been induced, by the pressing importunity of his acquaintances, to attend the theatre occasionally, disgusted with the gross obscenity and ribaldry which then had possession of the stage, and observing the pernicious effects which such exhibitions had produced on several of his fellow students, who, from chaste, sober, modest youths, had become vicious, prodigal and debauched, by the lessons they learned within, and the company who collected without, in the purlieus of the playhouse, resolved to denounce amusements he considered as so pernicious. He collected the most striking passages in the Christian fathers, and other writers upon the subject, and published them with some observations of his own, in a large quarto volume, entitled, *Histriomastix*. In his own remarks, he had indulged an asperity of language, which was disagreeable at court, as the queen was a great patroness of the actors, and had herself performed in pastoral

interludes at Somerset house, and the king was an admirer of scenic representations. His general reflections against attending plays, were, for these reasons, construed into treasonable libels against their majesties, and he was summoned to answer before the star chamber for the offence. The unfortunate author in vain protested upon oath, that he intended no sedition, that the general resort to plays was the first occasion, and the reformation of the abuse, his sole end in writing the book. He was adjudged to be for ever incapable of practising at the bar, to be expelled the society of Lincoln's Inn, to be degraded at Oxford, to stand in the pillory at two places, in Westminster and Cheapside, with a label on his head, stating his offence, to lose both his ears, one at each place, pay a fine of five thousand pounds to the king, and suffer perpetual imprisonment. The publisher was condemned to pay a fine of five hundred pounds, and to stand in the pillory.\*

In pronouncing sentence, the lord chief justice, who had long known Prynne, and expressed his sorrow at being forced utterly to forsake him, thus pronounced his opinion of the work, and the punishment of his old acquaintance. “We are here troubled with a book, or monster—*monstrum, horrendum informe, ingens!*—give me leave, I do not think Mr. Prynne is the only actor in this book, but that there were many heads and hands therein besides himself. I would to God in heaven, the devil, and all else that had their heads and hands therein besides Mr. Prynne, were — &c. For the book, I do hold it a most scandalous, infamous libel to the king’s majesty, a most pious and religious king, to the queen’s majesty, a most excellent and gracious queen, such an one as this kingdom never enjoyed the like, and I think the earth never had a better. It is scandalous to all the honourable lords, and the kingdom itself, and to all sorts of people. I say eye never saw, nor ear ever heard of such a scandalous and seditious thing as this mishapen monster is; yet, give me leave to read a word or two, where he cometh

\* It was at first proposed to erect the pillory in St. Paul’s Church Yard, but the archbishop objected to it, as being consecrated ground! Rush. vol v. p. 225.

to tell your lordships of the reasons why he writ this book:—  
‘ Because he saw the number of the plays, playbooks, play-haunters, and playhouses so exceedingly increased, there being about forty thousand play-books now, more vendible than the choicest sermons.’ And what saith he in the epistle dedicatory? ‘ They bear so big a price, and are printed on far better paper, than most octavo and quarto bibles, which hardly find so good a vent as they,’ and then he putteth on the margin, ‘ Ben Johnson printed on better paper than most Bibles.’ This monster, this huge mishapen monster, I say, it is nothing but lies and venom against all sorts of people. I beseech your lordships give me leave, ‘ Stage plays,’ saith he, ‘ none are gainers and honoured by them but the devil and hell; and when they have taken their wills in lust here, their souls go to eternal torment hereafter,’ and this must be the end of this monster’s horrible sentence. He doth not only condemn all play writers, but all protectors of them, and all beholders of them, they are all damned, and that no less than to hell! I said it was a seditious libel! The good opinion, heart, will, and affections of the king’s people and subjects, are the king’s greatest treasure. Now, for any man cunningly to undermine these things, and bring the king into an ill opinion among his people, is a most damned offence, and if I were in my proper place, and Mr. Prynne before me, I should go another way to work. I protest it maketh my heart to swell, and my blood in my veins to boil—cold as I am—to see this, or any thing attempted, which may endanger my gracious sovereign.” Then, after mentioning the other points of the sentence, “ I fine him five thousand pounds, for I know, he is as able to pay that as five hundred; perpetual imprisonment I do think fit for him, and to be restrained from writing, neither to have pen, ink, nor paper, yet, let him have some pretty prayer book, to pray to God to forgive him his sins, but to write, in good faith, I would not have him.”

His lordship was seconded by the earl of Dorset, to this effect:—“ The devil who hates every man upon earth, played the divine, cited books, wrought miracles, and he will have his disciples too, as he had his confessors and martyrs

No, my lords, this contempt, disloyalty, and despair, are the ropes which this emissary lets down to his great master's kingdom, for a general service. My lords, when God had made all his works, he looked upon them, and saw that they were good; this gentleman, the devil having put spectacles on his nose, says that all is bad; no recreation, vocation, no condition good, &c." His award was still more severe, " Mr. Prynne, I do declare you to be a schism-maker in the church, a sedition-sower in the commonwealth, a wolf in sheep's clothing, in a word, *omnium malorum ne quissimus*. I shall fine him ten thousand pounds, which is more than he is worth, yet less than he deserves. I will not set him at liberty, no more than a plagued man, or a mad dog, who, though he cannot bite, he will foam. He is so far from being a sociable soul, that he is not a rational soul! He is fit to live in dens, with such beasts of prey, as wolves and tigers, like himself! Therefore, I do condemn him to perpetual imprisonment, as these monsters, that are no longer fit to live among men, nor to see light!" " Now, for corporal punishment, I would have him branded in the forehead, slit in the nose, and his ears cropt too!" \*

Prynne, after undergoing the corporal and pecuniary part of his punishment during his confinement in the tower, wrote some controversial works against the prelatrical innovations, particularly one entitled the unbishoping of Timothy and Titus. For this he was again brought before the same

\* Hume, after narrating some of the instances noticed in the text, adds, with true philosophical calmness, " The severity of the star chamber, which was generally ascribed to Laud's passionate disposition, was perhaps in itself somewhat blamable!" Had only *one* deist suffered a few months imprisonment for his opinions, how different would the solitary punishment have been noticed. Only one instance since the Reformation has occurred of a deist being executed for his creed, and all Europe has re-echoed with the sufferings of Servetus, while the same pack, who, full-mouthed upon the scent, have made every avenue of literature resound with their execrations of Calvin—and Bayle has shown how falsely—have passed over, or extenuated the fires of Smithfield, and the scaffolds of the Grassmarket. But deists are an unfeeling, illiberal, intolerant sect, to all except themselves, whatever they may pretend. Hist. of Eng. 8vo. vol. vi. chap. 52. Rushworth, vol. ii. pp. 226, 240.

court, fined another five thousand pounds, condemned to lose the remainder of his ears, and to be strictly confined in a solitary and a distant dungeon. At the same time, Henry Burton, B. D. rector of St. Matthews, Friday-Street, London, for some expressions in a sermon preached in his parish church, and Dr. John Bastwick, an eminent physician, for two pamphlets respecting the supremacy of bishops, and a parity among ministers, were tried and both sentenced to pay each five thousand pounds, and lose his ears, or suffer perpetual imprisonment, the one in the Scilly islands, and the other in Guernsey, and their wives were prohibited under the severest penalties, to come near the places of their husbands' confinement.

Among the superstitious observances objected to in these publications, was bowing at the altar, a practice which Laud religiously enforced, both on himself and others. "For my own part," said his grace, "I take myself bound to worship with body, as well as in soul, whenever I come where God is worshipped; and were this kingdom such as would allow no holy table standing in its proper place—and such places some there are—yet I would worship God when I came into his house; and were the times such as should beat down churches, and all the curious carved work thereof, with axes and hammers, as in Psalm 74—and such times have been—yet would I worship in what place soever I came, and pray though there were not so much as a stone laid for Bethel. But this is the misery! 'tis superstition now-a-days, for any man to come with more reverence into a church, than a tinker and his bitch come into an ale-house!" \*

Dr. Alexander Leighton, a Scottishman, for a publication, entitled Zion's plea against prelacy, was still more cruelly used, he was arrested by two officers belonging to the star chamber, hurried to a wretched low damp cell in Newgate, without light, but what entered from a broken roof, and overrun with rats and other vermin. Here he lay from Tuesday night, till Thursday at noon, without food, and for fourteen

\* The whole of the archbishop's elegant speech, is in Rushworth's Appendix, vol. iii. p. 116-33.

days endured solitary confinement in this miserable hole. In his absence, his house was rifled, his books destroyed, and his papers carried off. After sixteen weeks' imprisonment, he was served with an information of the crimes with which he was charged; but he was sick and unable to attend, and from the nature of his disorder, a fitter object of compassion than punishment, for the skin and hair had almost wholly come off his body,\* yet, absent and sick, this aged, infirm divine, was condemned to a punishment which the stoutest ruffian could hardly have endured, which some of the lords of court conceived could never be inflicted on a dying man, and was pronounced only as a terror to others. But it was mercilessly inflicted. On the 29th of November, on a cold frosty day, he was stripped, and received thirty-six lashes with a treble cord, after which, he stood during a snow storm, two hours half naked on the pillory, was branded on one cheek with a red hot iron, had one ear cut off, and one side of his nose slit. In a week, before the sores on his back were near healed, he was again whipped at the pillory in Cheapside, and had the remainder of his sentence executed, by slitting his other nostril, cutting off his other ear, and branding his other cheek. He was then carried back to prison, till he should pay a fine of one thousand pounds, or endure, as his persecutors imagined, perpetual imprisonment.

Such punishments, so arbitrarily inflicted, by courts where Laud had the chief direction, and where opposition to episcopacy was the most prominent crime, inflicted too, on gentlemen whose birth, education, rank, and professions should have exempted them from such odious punishments, except for odious crimes, instead of inspiring terror, inspired indignation. Accounts of these tragedies, confirmed the Scots in their detestation of a hierarchy, whose highest dignitary could authorize cruelties of that kind, exasperated the English puritans, who were adverse to the discipline and rites of the church, and alienated even the most moderate, who had not yet abjured her communion;—these are

\* It was alleged he had been poisoned, from the strangeness of the disease, but there was no other proof.

only a few of the higher, numbers of humbler delinquents were unrecorded, but their sufferings were not less severe, nor the impression they made in their narrower circles less indelible.

To a parliament the nation had long looked forward as their only hope, and they depended upon the co-operation of the Scottish army for its duration, who, in return, relied on it for satisfaction to their demands. The flagrant abuses in the state, had called into action, an opposition, from a numerous and respectable class of men, whose importance the government seems entirely to have overlooked—the substantial yeomanry, who were directed by the leading country gentlemen.\* These, whose discontents originated chiefly from civil causes, from the arbitrary stretches of power, the levying of illegal taxes, and various oppressive measures, the detail of which, properly belongs to English history, were denominated political puritans, and, could they have secured their privileges in other respects, would not have entered very deeply into any discussions respecting the rites and ceremonies of the church; but Charles and his advisers, had contrived so to interweave the grievances of church and state, that he united in the closest bonds, both the religious and political puritans, and as both suffered from the tyranny of the same courts, they combined their efforts against them, and, in the course of their operations, imbibed or respected the principles of each other. In consequence, when a parliament was summoned, the elections fell upon the most pious, or the most patriotic country gentlemen, and they formed an irresistible majority in the house of commons, of virtuous, able, and zealous representatives.

At length this parliament, so long eagerly expected, met on the 3d of November, 1640. The king's opening speech was in a very modified tone, he threw himself entirely on the love and affection of his English subjects, nor would he mention his own interest, or the support he might justly expect from them, till the common safety were secured. The first object to which he directed their attention, was the

\* Memoirs of Col. Hutchison, Quarto Edit.

chastising out the rebels—a term he afterwards apologized for using—and then he promised, heartily and clearly, to concur in satisfying their just grievances. The house of commons inverted the order recommended, and began with their grievances. The Scots had pointed out to their indignation, Strafford and Laud, as two of the chief incendiaries, whose punishment was requisite to ensure the peace of the two nations. The lord lieutenant of Ireland was obnoxious to the Scots, as the ablest, as well as the keenest of their enemies, and whose decided character they most dreaded. He had proclaimed them traitors and rebels, before the king ventured on this step, he had procured large subsidies from the Irish parliament to carry on the war against them, he had raised an army, of from nine to ten thousand men with which he threatened a descent on the western coast, and he had forced the Scots in Ulster, to take an oath, disavowing the covenant. His dissatisfaction with the late treaty, was open and avowed, and his advice to the king had been, to suffer any extremity rather than negotiate. That unfortunate nobleman, who, much against his judgment and inclination, had been ordered by Charles to leave the army at York, and attend him at London, was preparing to impeach some of the popular leaders, of a traitorous correspondence with the enemy, when, on entering the house of lords, he was himself surprised with an impeachment from the commons, to whom he was peculiarly offensive, as “the grand apostate to the commonwealth.”\*

Strafford's impeachment, was a prelude to that of Laud, which was supported by a complaint from the Scottish commissioners. They considered him as their arch-enemy, the prime mover of the innovations in their church, which had been the immediate cause of the war. Their charges against him, were for unjustifiable interference in their ecclesiastical affairs; his ordering the bishops to appear in their pontifical robes, contrary to the custom of the kirk; his desiring a list of those counsellors and members of the college of justice, who did not communicate according to an authorized form,

\* Lord Digby's speech.—Rushworth, vol. iii. p. 1356.  
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to be sent up to him in order to their being punished ; his obtaining warrant for an high commission court to sit once a week in Edinburgh, and his directing the taking down of galleries and stone walls in the churches of Edinburgh and St. Andrews, to make room for altars and adoration towards the east ; but, above all his causing to be intruded upon them a Book of Common Prayers, containing many popish errors and ceremonies contrary to the church of Scotland, and the acts of their parliament, and upon their refusal to admit it, his instigating the king to declare them traitors and rebels, and procuring a prayer, composed and printed by his direction, to be read in all the parish churches in England during divine service, in which they were styled traitorous subjects, who had cast off all obedience to their sovereign ; and supplication was made to the Almighty, to cover their faces with shame as enemies to God and the king.

The two chief confidential ministers of the king being committed to custody, parliament proceeded to investigate the other complaints, which innumerable petitions from every quarter, reiterated in their ears, now that the people perceived their voice would be heard. Engaged in investigating their own abuses, and sensible of the important aid they derived from the presence of the Scottish army in England, and the Scottish commissioners in London, the treaty was not pushed forward by the parliament with the rapidity which its removal to the capital had promised, nor, as new views now presented themselves to the covenanters, who expected to see their favourite bond established throughout the land, from Dan to Beersheba, was it pressed with much urgency by them.

What may be the ultimate result of civil commotions, it is impossible to calculate at their commencement, or during their progress, nor are they always to be accused of unwarrantable ambition, or improper motives, who are placed in stations at the close of a struggle, which they had no expectation of, and to which they could have had no pretensions at the beginning. When the Scots were entirely employed in endeavouring to prevent the imposition of the English service book upon themselves, it is not at all pro-

bable that the most sanguine among them, could entertain the least idea that ever they would have an opportunity of inculcating openly their own mode of worship in the English capital, with the approbation of the English parliament, much less, that any prospect would ever present itself of introducing it into England; but their desires expanded as the scene opened, and before they returned to their native country, a proposal for uniformity in religious worship throughout the whole island, founded upon this basis, was left for the consideration of those men who had the chief management of that kingdom. The Scottish commissioners, the earls of Rothes, Dunfermline, and Loudon, Sirs Patrick Hepburn of Wauchton, William Douglas of Cavers, Messrs. Drummond of Riccarton, Smith of Edinburgh, Wedderburn of Dundee, Hugh Kennedy of Ayr, with Archibald Johnston, advocate, and Alexander Henderson, minister, together with their chaplains, were received in London, with the greatest demonstrations of affection and respect; they were supported at the public expense, by the city, had a house appointed for their residence, and the church of St. Antholm's, for their devotion. The ministers were men of distinguished talents, and sincerely zealous in the cause for which they pled; their earnest impressive manner, and their discourses, suited to the spirit of the times, attracted immense crowds to their public services. From morning till night, during Sabbath, the place and the passages were crowded, and those who could not gain admission within, surrounded the doors, and clung to the windows.

Persecuted as they had been by the episcopalians, it affords no matter of surprise, that they did not display in their attacks upon a system, to which they had traced every calamity their country had endured, that calmness and temper which those, who never exposed to suffer for their creed, have not always preserved. In public and private, from the pulpit and the press, they oppugned the hierarchy, and their doctrines, disseminated among a people already prepared by the indolence, tyranny, and superstitious attachment to trifles, which distinguished the court clergy of the church of Eng-

land, produced an almost instantaneous and amazing effect.\* The citizens of London first gave in a petition to parliament, in November, praying a reformation in the liturgy, ceremonies, and discipline of the church of England; and early in December, another, to which fifteen or twenty thousand signatures were attached, was brought forward, craving a total extirpation of episcopacy, root and branch. These were followed by great numbers of others, from various places, complaining of ecclesiastical usurpations, and all were favourably received by the commons.

Charles, who saw, but could not prevent the immense ascendancy which the army of the Scots gave to the malecontents, sent for both houses to attend him at Whitehall, and represented the inconvenience that resulted from maintaining two armies at the same time, and requested them to bring their business to a close, promising that he would willingly and cheerfully concur in the reformation of all innovations in church and state; but at the same time reminding them, that there was a great difference between reformation and alteration in government, the one he was willing to consent to, but would always endeavour to resist the other. The commons submitted to the inconvenience, and went on with their examination of grievances, nor was it till they had obtained the most material of these ends, that they seriously set about concluding the treaty. In the meantime, their commissioners discussed the articles with those of the Scots, and the latter, taught by the last negotiations at Dunse-law, rejected all verbal communications, and required every proposition to be reduced to writing. Each article was discuss-

\* The Scottish ministers have left the evidence of their abilities behind them, in various publications, remarkable for acuteness of argument, a forcible, and far from inelegant elocution, although occasionally perplexed by a multiplicity of subdivisions, and a syllogistic method of reasoning, now gone to disuse; but, perhaps, the highest testimony to their talents, is the respect in which they were held by the first geniuses of the age, men who carried the piety they expressed in public, into the private intercourse of life, and whose daily and most intimate conversation, bore evidence to the bent and inclination of their souls, or to use the philosophical phraseology of Hume, “whose whole discourse and language were polluted with mysterious jargon, and full of the lowest and most vulgar hypocrisy !!” Hist. of Eng. vol. vi. ch. 54.

sed at length, and separately; they were in substance similar to the specification delivered to the king at York, [vol. iii. page 562.] The first ratifying the acts of the late Scottish parliament, which implied a compliance with every demand, civil and ecclesiastical, was for some time resisted by the king, it was, in an unhappy hour, establishing a precedent for the English parliament, who were at that moment engaged in assailing their own religious establishment, and his acquiescence in the complete overthrow of episcopacy in the one kingdom, he considered as paving the way for its downfall in the other; but the English commissioners, overcome by the arguments of the Scots, or friendly to the object themselves, concurred in recommending its acceptance, and the king reluctantly consented, “That the acts of the parliament assembled by his authority at Edinburgh, 1640, should be proclaimed along with those of the next session of the same parliament.” The second, requiring that Edinburgh castle, and the other strengths of the kingdom should be garrisoned according to the first intent, was agreed to with little discussion, as was the third, by which Scottishmen, in Ireland and England, were freed from being constrained to take oaths inconsistent with the covenant; but the fourth, which required that the public incendiaries, the authors and causers of the late troubles, should be brought to trial and punished, according to the sentence of their respective parliaments, underwent a long discussion, and was with much difficulty acceded to by the king. He was extremely anxious to prevent his confidential servants from being brought before parliament, as he knew the general enmity that was entertained against them, and endeavoured—by conferring first with the nobles alone, next with the whole commissioners together, and then with such of them individually, as he thought the likeliest to yield, particularly Rothes—to obtain, either, that this article might be omitted altogether, or the matter be referred entirely to himself, to neither of which would the Scottish commissioners agree.

Strafford, who saw that his fate depended upon this article, in his letters from the tower, occasioned considerable delay, and a variety of proposals were made and rejected.

At last the king sent them a message, informing them, that he was confident the parliament would not proceed with those who were called incendiaries, that he and they should fully agree, and that it was improper to prejudge the question before they decided. The Scottish communicated this to the English commissioners, informing them, that, as their powers were from the parliament as well as the king, they required them to lay the long debated question before it. The English lords, who were desirous also that this article should pass, told his majesty, that if the disputed point were referred to parliament, it would be lost, as undoubtedly it would be carried in favour of the Scots. He yielded to necessity, and promised, that all his courts of justice should be open against all evil counsellors and delinquents; that the parliament of Scotland, should have liberty to proceed against such; and, that he would not employ any person, in any office or place, who should be judged incapable by sentence of parliament, nor make use of their service, nor grant them access to his royal person, without the consent of parliament. The fifth article, that ships, goods, and damages should be mutually restored, was agreed to, and four thousand pounds were allowed, to fit out eighty Scottish vessels that had been detained in English ports. The reparation for the loss sustained by their detention, was agreed to be referred for inquiry, and was included in the sixth article, concerning the losses which the kingdom of Scotland had sustained in the late unprovoked war, and the indemnification for the expense incurred during two campaigns. The importance of this article excited the fears of those who were friendly to the Scots, and the hopes of the royal party, who wished to disunite them and their allies. Unwilling to hazard the responsibility, the commissioners referred it to parliament. The amount claimed, of which the particulars were minutely set down, was five hundred thousand pounds, a sum that startled several of the members, and occasioned some sharp debates. The Scots declared that, the whole having been incurred in resisting the common enemy, they considered themselves entitled to a compensation, but would leave the proportion to the decision of the

house, affirming that they would cheerfully have supported the whole expense, had not the poverty of their country, rendered this impossible. Three hundred thousand pounds were ultimately voted, under the appellation of a brotherly assistance, which was accepted, with many expressions of love and grateful affection.

While this article was in abeyance, the earl of Strafford was brought to trial. The accusations of the Scots, tended to swell the tide of popular indignation, already sufficiently impetuous, against this unfortunate nobleman; but they were what in common times would never have been received, they arose from his zeal for the service of the king, and to them he was a foreigner. The Scottish residents had no right to claim exemption from an oath in Ireland, however arbitrary, which the governor of that island deemed necessary for its security; nor could he be condemned for using every means of annoyance in his power, against those whom he considered the enemies of his sovereign. He was charged by the English with attempts to subvert the fundamental laws of the kingdom, and the animosity of his prosecutors, heightened by the recollection of his apostasy from the public cause, produced a new species of crime, cumulative treason, by which a number of acts, though each in itself insufficient to constitute any high offence, were, when taken together, allowed to establish a capital delinquency—a method of procedure, at the best of very doubtful propriety, indefensible, except in very extraordinary circumstances, and if, upon some occasions, it be admitted, to reach the head of the wary instruments of an insidious despotism, it is also capable of being subverted to the most tyrannical oppression of patriotic innocence. Even after the extension which the commons had given to the crime of treason, they would have found it difficult, if not impracticable, to reach the hated earl, according to the ordinary forms of justice; they therefore brought in a bill of attainder, which probably would have been lost in the upper house, but for one of those fatalities, to which an insincere, or a hesitating policy is always liable, especially during a period of popular ferment.

Some of the principal officers in the army, observing

symptoms of disgust arising among the soldiers, from the marked attention paid to the Scottish forces, encouraged them, and as their pay was somewhat in arrears, took occasion to insinuate that they were neglected by the parliament, and would find it more advantageous to adhere to the king. In consequence, an association was formed, under an oath of secrecy, to tender their services to his majesty, and a form of petition to parliament was prepared, to be signed by the whole army, expressive of their apprehensions from the turbulent spirits, and frequent tumults of factious malecontents, and offering to guard the king and the two houses. This petition was seen and approved of by Charles, who counter-signed it as a mark of his approval. Before it could be properly matured, however, the plan was discovered by one of the officers to the popular leaders in parliament, and was immediately communicated to the house of commons, by Pym, at the time when the bill of attainder against Strafford, was about to be brought before the house of lords. The alarm excited by the discovery of this conspiracy, to take possession of the city of London, and overawe the two houses of parliament, was hurtful to the interest of the king, and fatal to his favourite. The peers, under its influence passed the bill, and the king, after a severe struggle, yielding to the violence of the commons, the clamours of the people, and the entreaties of the queen, gave the royal assent by commission. He, at the same time—and it was a strange coincidence—authorized the commissioners to sign another, for preventing the dissolution of parliament without its own consent, which eventually brought himself to the scaffold.

When the purposes for which the Scottish army had been principally retained were accomplished—by the abolition of the star chamber, and high commission court, of the illegal exactions and monopolies, and the act for ensuring the frequent assembling of parliament—the treaty was resumed, and brought without difficulty to a speedy conclusion. By the seventh article, which was adjusted June 14th, all declarations, acts, books, libels, and whatever had been published by either side derogatory to the other, were mutually recalled and suppressed; and by the eighth, it was agreed, that the

garrisons of Berwick and Carlisle should be reduced, and placed on the same footing they were before the late troubles commenced. Besides these, another was proposed by the Scots, but not inserted in the treaty, urging unity in religion, and uniformity of church government, as essential for preserving peace between the two kingdoms.

Presbyterian principles had made rapid strides among the parliamentary party, during the residence of the Scottish commissioners in London, but a large and respectable party were inclined to moderate episcopacy, while a number of those who joined in the outcry against the hierarchy, were suspected of entertaining opinions favourable to the independent or congregational plan. While the power of the prelates remained formidable, the differences among their opponents were made matters of forbearance, but it is difficult, when parties of different sentiments, respecting the nature of church government, have frequent meetings, to prevent collision, and the Scots, who had begun in their own country to contend against some approaches to independency, viewed with a jealous eye, its progress among their friends in England, from which they prognosticated no good, and were on this account the more anxious to procure the consent of parliament to the establishment of one Confession of Faith, one Directory for the public Worship of God, and one Form of Church Government in all the churches of his majesty's dominions. Nor did they perceive, that to enforce this by law, was to establish, under a different form, the same spiritual bondage, against which they had been so firmly contending, and it is somewhat curious to observe, that the arguments they use to enforce their proposition, are exactly the same which they had so indignantly repelled, when employed to establish prelacy. Uniformity in faith and worship would be acceptable to God, who delighteth to see his people walking in truth and unity, would preserve peace, and prevent many divisions; the sovereign would thereby be eased of much trouble, arising from difference of religion, and both king and subject from much inconvenience, for wherever they had occasion to go, they might then find an opportunity, without any scruple of con-

science, to be partakers of one and the same form of divine worship. The names of heresies, sects, and papists, would be no more heard of, and instead of unprofitable controversies, the ministry would be engaged in the labours of devotional and practical divinity. Uniformity in government was urged; because there can be little hope of unity in religion, which is the chief bond of peace and human society, unless there be one form of ecclesiastical government; because, difference in this point hath been the principal cause of all other differences between the two nations, since the reformation of religion; because—although it ought not to be so—it proves true in experience, that churchmen through their corruption, are more hot, and greater zealots about government, than about matters more substantial, their worldly dignities and wealth being concerned, and it is observable, that churchmen sometimes foment and cherish contrary factions, to promote their own importance; and, because none of the reformed churches, though far distant, and under different magistrates, disagree so widely in church government, as these two kingdoms in one island, and under one monarch.

Among the reasons they alleged for the preference of presbytery, is the opinion held by the reformed churches, that it is *de jure divino*, and perpetual, while they assert, that episcopacy, as it differs from the office of a pastor, is almost universally acknowledged, even by the bishops themselves and their adherents, to be but an human ordinance, established by law and custom for convenience, without warrant of Scripture, and may therefore be altered or abolished by human authority. The answer to this article was cautious. “ His majesty, with the advice of both houses of parliament, doth approve of the affection of his subjects in Scotland, in their desire of having conformity of church government between the two nations, and as the parliament hath already taken into consideration the reformation of church government, so they will proceed therein in due time, as shall best conduce to the glory of God, the peace of the church, and of both kingdoms.” Annexed to the treaty was an act of oblivion, from which only were excepted the earl of Traquair,

Sir Robert Spotswood, Sir John Hay, Mr. Walter Balcanquhal and the Scottish bishops. As these last had their temporalities sequestered, and their spiritual functions were at an end, it required no great sacrifice on the king's part, to consent to their being excluded from pardon, in a country in which there were so few inducements for their wishing to remain, and to which there appeared so little probability that any of them, at least in an ecclesiastical capacity, would ever return, but he anxiously sought to procure indemnity for the others, especially Traquair, who had only acted in obedience to his orders, and for whose safety he felt doubly interested since the death of Strafford. His partialities were indulged, by allowing tacitly the punishment of the delinquents to be referred to himself.

As long as the king had any prospect of being able to manage the parliament of England, he was not very hearty in bringing to a conclusion, what he considered so very humiliating a treaty. At the first proposal of uniformity between the two kingdoms, for which the demolition of episcopacy was to pave the way, his aversion was undisguised, and for some days his intercourse with the Scottish commissioners was broken off; but when he saw, all his expedients fail, and his power almost annihilated by the discovery of his endeavours to gain over the army, he turned to the Scots as a forlorn hope, and attempted to exercise his kingcraft upon them. Montrose he had gained. He next tampered with Rothes, whose attachment to the opposition, like that of the other, had originated rather in private disgust, than in any decidedness of principle. The promise of a rich marriage, and a confidential situation near the king's person, had given impulse to the returning loyalty of that nobleman, when a fever at Richmond cut off his expectations, and deprived his master of any advantage from his defection. In pursuance of his design, he determined to proceed to Scotland, and this resolution probably tended to accelerate the conclusion of the treaty on the part of the English, who were afraid of his majesty's personal influence among the troops, and were in consequence eager that both armies should be disbanded. A fourth part therefore of the brotherly assistance was advanced,

the rest agreed to be paid in equal moities within two years, and all arrears adjusted in such a manner, as to send the Scots home perfectly satisfied with the result of their expedition, and united by closer ties than ever, to their affectionate brethren.

Upon the treaty being concluded, the Scottish parliament, after several adjournments, met, July 15th, 1641, but at the request of lord Loudon, who assured them that the king would be in Scotland about the middle of August, they agreed to allow all important business to lie over, except such as necessity should compel them to conclude, until his majesty's arrival, and employ themselves during the interval, in arranging the matters to be afterwards discussed. Charles was preceded by an unfortunate circumstance; a new secret correspondence with Montrose was discovered, by one of the earl's letters being intercepted. The story of the bond too, was fully brought to light, and he, along with several of his friends were committed close prisoners to Edinburgh castle, as plotters. When questioned before the estates, that nobleman professed his sorrow for being involved in any suspicious circumstances, and promised to submit himself to their direction, and the estates, after hearing counsel, would have been content with a formal renunciation of the bond, but in the course of the investigation, a discovery was made, that he had propagated a report injurious to the reputation of Argyle, amounting to treason, and calculated to influence the king's mind against him. He had, it appeared, on the detection of the bond, in conversation with one Murray, minister at Methven, endeavoured to persuade him that it was agreeable to the tenor of the covenant, and intended to counteract the projects of some—i. e. Argyle—who meant to depose the king. Murray, when examined respecting this story by the committee of estates, gave up Montrose, who produced one Stewart, commissary, or judge of the consistorial court of Dunkeld, as his author.

Stewart's account was, that when the earl of Athol, and eight other gentlemen, of whom he—Stewart—was one, were prisoners in Argyle's tent, at the Ford of Lion, Argyle said publicly, "That the estates of parliament had consulted

both lawyers and divines anent the deposing of the king, and gotten resolution that it might be done in three cases —desertion, invasion, prodition, or vendition of the kingdom, and that they once thought to have done it at the last session of parliament, and would do it at the next sitting thereof." The witnesses alleged to have been present, denied the fact, and Stewart himself retracted the accusation, declaring, "That the earl of Argyle, having spoken of kings in general, and the cases wherein it is thought that they might be deposed, the deponent did take the words as spoken of our king;" and out of the malicious design of revenge, confessed that he added these words, "That the first thing parliament would have begun upon, was to depose the king; and that however they had deferred it, he feared it was the first thing they would fall upon at the next session, or the first thing that will be begun in the next session," and this recantation was verified by the testimony of Sir Thomas Stewart, who having been offered a pension by Traquair, if he would certify Argyle's words in writing, wrote a declaration, which was intercepted on Montrose's messenger, and afterward attested by Sir Thomas before the committee of estates. Argyle, thus implicated in a charge of the most dangerous nature, in order to clear his character from the aspersion, was under the necessity of prosecuting Stewart before the court of justiciary, for the crime of leasing making, and the unfortunate man, being found guilty upon the clearest evidence, suffered the sentence of the law. Argyle himself would have willingly consented to his pardon, but as there were others involved in the calumny as well as he, no application was made for the royal mercy.

Argyle's memory has been traduced, as if he had betrayed Stewart into a confession, by a promise of ensuring his safety, and afterward infamously allowing him to suffer.\* From this, the unsolicited evidence of Sir Thomas Stewart fully exculpates him; it is perhaps less easy to excuse his consenting to the execution of a cruel law, but the fact stands recorded as an evidence of the injustice of allowing the last

\* Guthrie's Memoirs, p. 91. Laing's Hist. vol. iii. pp. 544, 545.

penalty to be attached by statute to crimes, which ought not to be punished with such rigour, and of trusting for its modification to the discretionary powers of any man, however upright or humane.

Among the preliminary arrangements in which the estates employed themselves, a committee was appointed for regulating the order of the house; they settled the fines for non-attendance, or for coming too late—every nobleman ten pounds, every baron six pounds, thirteen shillings, and four-pence, and every burgess three pounds, six shillings and eightpence Scots; none but regular members were allowed to come into the house; the lords of session claimed, as men who were administrators of the laws, the right of being present when they were framed, but the estates would only allow them to be so when sent for; the lord advocate insisted upon being present and voting, as his privilege. After a considerable debate, it was decided that he should be admitted, and allowed to sit covered at the president's feet, upon this condition, that he should have no vote, and only speak when his opinion or advice was required by the estates. Johnstone moved that some of the ministers might be permitted to attend, for the interest of the church, but Argyle opposed the motion as introductory to ministers voting, and it was immediately quashed. The peers' eldest sons were quite indignant at being excluded from an assembly, to which in a few years they would be called by hereditary right, and the lords Angus, Montgomerie, Maitland, and Elcho, insisted upon being admitted, as their lawful privilege, but the barons and burgesses would do nothing while they were there, and they were in consequence forced to retire. A great deal of desultory debate and discussion took place respecting the incendiaries. Traquair offered to submit himself to the parliament without a trial, which the king thought might have sufficed; his request was, however, refused, and the former arrangement adhered to. Lord Loudon, however, who had promised to the king to endeavour as much as in his power, to allay the animosities, having executed his engagements with fidelity and zeal, his exertions began to create a suspicion that he was gained over to the court party, and a sinister attempt was made to

exclude him from the commission, who were to return to England with the Scottish parliament's consent to the treaty. Loudon, grieved at being suspected of acting a double part, and at seeing his virtuous and honest endeavours to serve his country repaid with ingratitude, requested that he might be relieved from the fatigue of the employment, and freed from any blame with regard to his past conduct, if they found him not blameworthy; so difficult is it, in times when factions run high, for men of integrity, who cannot go every length with all the enmities of any of the parties, if they conscientiously hesitate, or stop short, to escape suspicion from the side they usually support. His proposal to retire, called forth the prompt assurances of his friends, and a gratifying declaration of confidence in his faithfulness from the estates, who would not accept of his declining to go to London, as he was particularly acceptable to the English, and was more ingenuous in his communications with the king, than any other of the Scottish commissioners; he was therefore constrained to proceed, and was besides employed as the bearer of letters to his majesty, acquainting him with all the proceedings of the estates. As a concluding regulation, it was ordered, that an oath of fidelity to the church and state should be administered to all the members of parliament, to secure them as far as possible from "tentation, and court corruption."

It was the natural consequences of the repeated examples that Charles had given of duplicity in his dealings, that his every action became liable to suspicion. His proposed journey to Scotland awakened the fears of the English house of commons, who were apprehensive, that under this pretext, he concealed a design of putting himself at the head of the forces, and in a conference with the lords, they proposed requesting him to defer setting out till both the armies were disbanded; their alleged reason was, that several bills had passed the lower house, which had not gone through the house of peers, to which the royal assent was necessary. In compliance with their petition, he consented to remain till the 10th of August, under other pretexts they endeavoured to detain him still longer, but he would agree to no farther delay, and having left a commission to pass what acts remained, he took his de-

parture to revisit his native country, under far different circumstances, than when adorned with the uneclipsed radiance of the English crown, he went to assume that of his ancient kingdom. Instead of being attended by a magnificent train of obsequious courtiers, and receiving a fair and outward homage as he passed, he was followed by a committee of parliament,\* appointed to act as spies upon his conduct, and his progress was through a discontented and disobedient population. Instead of being waited for by expectant nobles courting his smiles, and a nation anxiously desirous to secure his favour, the principal chieftains of Scotland, were ranged in arms, which had lately been hostile, and his caresses were received with indifference, by men to whom, formerly, the smallest mark of notice would have been regarded as the highest condescension.

At Newcastle, the king stopped and dined with general Leslie. Laying aside his natural distance and reserve, he received graciously and condescendingly, all the officers who were introduced to him, nor attempted to assume any appearance of authority. On his arrival on the Scottish border, he was waited on by numbers of the neighbouring gentlemen, and when he reached Gladsmuir, was welcomed by a deputation from the estates, consisting of the earl of Argyle, and lord Almond, the barons, Innes and Kerr, and the burgesses of Aberdeen and St. Andrews. In the evening, he reached Holyroodhouse, his slender personal retinue, consisting only of his nephew the elector Palatine, the duke of Lennox, and the marquis of Hamilton, where, notwithstanding the fatigue of his long journey, he held a levee the same night in the long gallery, and received the compliments of the nobility and

\* When the parliament found they could not prevail on the king to delay his journey, they resolved that a committee should attend his majesty to Scotland, as commissioners to the Scottish parliament, to remain there and transmit information with respect to their proceedings. The commissioners named, were the earl of Bedford, lord Howard of Escrick, sir Philip Stapleton, sir William Armine, Fiennes, and Hambden, to such a commission the king refused his consent, but he agreed to their coming as commissioners to assist in the ratification of the treaty; stickling for names, and attachment to shadows, when he had lost the substance, the common error of ordinary minds in adversity, were among the concurring causes of Charles' misfortunes.

barons, who were introduced in form, and had the honour of kissing his majesty's hand.

Accommodating himself to his situation, the king next day—the Sabbath—attended divine service in the chapel royal, when it was performed after the presbyterian manner; he heard the morning sermon with seeming approbation, and having omitted to return in the afternoon, submissively listened to an admonition from the minister, who reminded him of his duty, and promised more punctual attendance in future, a promise which he faithfully observed during his residence in Scotland, without ever betraying any symptoms of disgust, although, sometimes, even the presbyterians themselves, complained that the discourses and worship were protracted to a tedious length, nor did he object to his chaplains officiating regularly, without either liturgy or ceremonies, one proof more, if any were wanting, that Charles' conscience was of a pliable contexture, where political expedience rendered it necessary.

To his mortification, he found Montrose and his friends were imprisoned, and that the detection of the plotters and bonders, had exasperated the prosecution against the incendiaries. Ruminating, but secretly, on all the sad vicissitude around him, he did not stir abroad on the Monday, but assembling his privy council, he remained in close consultation with them, respecting the best manner of fulfilling the treaty, and yielding to the restrictions imposed on his prerogative, without seeming to yield. It was discussed as a matter of form, whether he should open the parliament in the usual manner, with the ceremony of riding, and the advocate adduced several precedents, but as this might have cast some shade of doubt with regard to the legality of their former proceedings, it was resolved that it should be omitted.

In pursuance of this resolution, the king after hearing sermon in the Abbey church, drove up the Canongate and High Street in a coach, and alighting at the Ladies' Steps, walked to the house, preceded by the regalia, the marquis of Hamilton carrying the crown, the earl of Argyle, the sceptre, and the earl of Sutherland, the sword. He entered about 11 o'clock, accompanied by the elector Palatine, who had a richly embroidered seat prepared for him, on the left

hand of the throne. After he had graciously saluted the members, he addressed them, “ My lords and gentlemen, there has been nothing so displeasing to me, as those unlucky differences which have of late happened betwixt me and my subjects, and nothing that I have more desired, than to see this day, wherein I hope, not only to settle these unhappy mistakings, but rightly to know, and be known of my native country. I need not tell you—for I think it is well known to most—what difficulties I have passed by and overcome, to be here at this time; yet this I will say, that if love to my native country had not been a chief motive to this journey, other respects might easily have found a shift to do that by a commissioner, which I am come to perform myself. All this considered, I cannot doubt but to find such real testimonies of your affection for the maintenance of that royal power, which I do enjoy, after one hundred and eight descents, and which you have so often professed to maintain, and to which your own national oath doth oblige you, that I shall not think my pains ill bestowed. Now, the end of my coming is shortly this, to perform whatsoever I have promised, and withal, to quiet these distractions, which have and may fall out amongst you; and this I mind, not superficially, but fully, and cheerfully to do, for I assure you, that I can do nothing with more cheerfulness than to give my people contentment and a general satisfaction; wherefore, not offering to endear myself to you in words, which, indeed, is not my way, I desire in the first place, to settle that which concerns the religion and just liberties of this my native country, before I proceed to any other act.” The president replied, thanking his majesty for all his former goodness, and his present expressions of love toward his ancient kingdom, and Argyle, in an elegant speech, though, perhaps, rather too adulatory, after enumerating the dangers and tempests through which his majesty had steered the vessel of the state, and complimenting him on his skill, as the pilot who had weathered the storm, entreated him not to leave her till he had brought her to a safe anchor, and settled her in her desired haven.\*

\* Balfour’s Memorials, p. 44.

Immediately, and without solicitation, his majesty desired the acts of the parliament, 1640, to be brought for his ratification, but uncertain whether any latent claim of prerogative might not lurk under this promptitude, and whether it might not be intended to destroy the validity of all the proceedings which had not received the confirming touch of the sceptre, they evaded the request, and, upon the grounds that he had already confirmed them by the treaty, and that no other ratification was now necessary, than that they should be published in his name, the king was persuaded not to insist. The jealousy of the estates for their privileges, was also evinced on occasion of an incident which occurred the same day. A contest having arisen between the earl of Wigton, and Sir William Cockburn of Langton, respecting the office of hereditary usher to the parliament, before the right was established, Cockburn seized the mace, and carried it before his majesty, and the king, without inquiring into the particulars, on a complaint being made, having issued a warrant for confining him in the castle, he was taken into custody. Offended at the imprisonment of one of their members, they ordered a committee of two from each estate, to wait upon his majesty, and remonstrate with him upon this infringement of their privileges; in consequence, the king apologized, and declared that he did not know when he issued his warrant, that Cockburn was a member of the house, and promised for himself, his heirs, and successors, that they should never commit any member during the sitting of parliament, without its own consent, with which the house were highly gratified, and ordered the declaration to be entered on the records.

Nor did they manifest a less regard for adherence to the covenant, and anxiety for excluding from their number, such as were imagined unfriendly to that bond. It, together with the bond of obedience to the acts of the parliament, 1640, were approved by the king and the estates, and the following oath appointed to be taken by every member of parliament before he took his seat. “ We, under subscribers, and every one of us, do, in the presence of Almighty God, promise and vow, that in this present parliament, we shall faithfully and freely speak, answer, and express ourselves, upon all and

every thing, which is or shall be proposed, so far as we think in our conscience, may conduce to the glory of God, the good and peace of the church and state of this kingdom, and employ our best endeavours to promote the same, and shall in no ways advise, vote, or consent to any thing, which to our best knowledge, we think not most expedient and conducible thereto; as also, that we shall respect and defend with our life, power, and estate, his majesty's royal person, honour, and estate, as is expressed in our national covenant, and likewise the power and privileges of parliament, and the lawful rights and liberties of the subjects, and by all good means and ways, oppose and endeavour to bring to exact trial, all such, as either by force, practice, counsel, plots, conspiracies, or otherwise have done, or shall do any thing in prejudice of the purity of religion, the laws, liberties, and peace of the kingdom; and farther, that we shall in all just and honourable ways, endeavour to preserve union and peace betwixt the three kingdoms of Scotland, England, and Ireland, and neither for hope, fear, nor other respect, shall relinquish this vow and promise." This oath, it was imagined, would prevent the intrusion of all the opponents of the ruling party into parliament, but oaths are frail ties in such cases—one only refused to subscribe.

Not a few have reproached the Scots with a contracted selfish zeal, as if all their sympathy and affection had been confined to their own country and party, but neither they, nor their friends in England, were inattentive to the cause of religion and liberty abroad, as well as at home. That unlooked for prosperity, produced among the presbyterians, some mischievous effects, cannot be denied, it cherished an intolerant exclusive spirit in the best, while it attracted to their councils, persons who were not really attached to the cause, and who, acting from unworthy motives, were, in general, the authors of the most reprehensible measures of that people, of whom they became afterwards, the most cruel persecutors, and shameless calumniators.\* The first reformers in Scotland,

\* We shall afterward have frequent occasion to remember and exemplify this remark, particularly when we come to narrate the deeds of the felon band of apostates, in the reign of Charles II.

felt a deep and lively interest in the fate of the sufferers in France; they interceded, though in vain, for the persecuted puritans in England during Elizabeth's reign, and in this parliament, their descendants gave decided proof, that similar feelings still existed, by their readiness to aid the elector Palatine, the king's nephew, and by their eagerness to run to the assistance of the Protestants, on the breaking out of the Irish rebellion, news of which, reached Scotland when this parliament was about to rise. On the king's laying before the estates, his own manifesto in favour of the prince, and the resolution of the English parliament to support it, they, after some days' deliberation, agreed to concur in all their measures for this purpose, and offered to raise ten thousand men, but the troubles which soon distracted the councils of both kingdoms prevented the execution of their purpose; yet the young elector, ever afterward retained a most grateful sense of the kindness expressed for him, both by the Scots, and the Puritans of England, and refused to take part in the civil dissensions, when his brothers, the princes Rupert and Maurice, joined their uncle.

When the treaty was ratified, an act was passed, the counterpart of one previously passed in England, according to previous stipulation, in order more effectually to secure tranquillity, providing:—That war should not be declared by Scotland against England or Ireland without due warning, three months at least, nor without the previous consent of parliament. Second, that mutual assistance should be rendered to each parliament, to prevent foreign invasion, or internal disturbance, and if any of the subjects of either kingdom, make war upon their fellow subjects, without consent of parliament, they should be reputed, and treated as traitors to the state. Third, that commissioners be appointed to watch over the execution of the treaty, and preserve the peace during the interval between triennial parliaments. The first was a wise and proper precaution, the second was afterward a cause of complaint, when the Scots entered England to act against the king, and the last completed the triumph of parliamentary over regal power.

One object of primary importance, which had occasioned

considerable discussion at the settling of the treaty in London, and which had been referred to the consideration of parliament, was the right of appointing the officers of state. The king claimed the nomination as his unalienable and undoubted right, which had always been exercised by the Scottish monarchs, and never called in question in England. On the other hand, the parliament quoted many instances, in the unsettled and variable administration of the country, where the election of these functionaries was with the advice of parliament, and contended that the right rested with them. They insisted upon this, which was certainly an invasion of the prerogative, on account of the malignant influence the English cabinet had had in the direction of Scottish affairs, to which source they traced the late troubles, and because the commonly distant residence of the king rendered him accessible to misrepresentation, from his unavoidable ignorance of the state of the country. At last the king yielded to their desires, and when he personally intimated his acquiescence to the house, every member arose, and made a profound reverence to the throne, in token of their grateful acknowledgments.\*

Immediately an act was introduced, and passed with the exception of only one vote—lord Yester's—proceeding upon the narrative of his majesty's willingness to give his native kingdom all possible satisfaction, and of the difficulties which his distance created in the way of his being acquainted with the qualifications of the candidates for these high places of trust, and therefore declared for himself and his successors, that he would make choice of the fittest persons for statesmen, counsellors, and senators, with the advice and approbation of the estates of parliament, when they were sitting, and by advice

\* The king's speech to the parliament during this discussion, is remarkable, as it contains an admission of his own double dealing upon other occasions, and shows that he knew he was distrusted. “ Hes maties anser to the house wes, that he did much wounder that they should stand soe one quiddities; and although he knew hou to aequivocate, zet he did protest that he neur did, nor vold with them, quhome he wold villingly giue all satisfactione in reassone, with saftie of his honor: and nou he granted their foresaid absolutely in eache circumstance, as it wes conceaued, which he ther signed with his hand.” Balfour's Memorials.

of his privy council, when they were not. But still considerable difficulty remained about the nomination, as almost all the high offices of state were vacant. The lord treasurer's being the most lucrative, was an object of the greatest contention. The friends of the earl of Loudon were desirous that he should obtain it. Argyle, however, also wished it. To prevent dispute, it was therefore put into commission, Loudon was promoted to the chancellorship, formally installed in office, the king delivering into his hands, in face of parliament, the great seal, together with the mace; he then took the oaths of office, and was placed by the Lyon King of Arms, in his chair under his majesty's feet, on the right hand of the lord president of parliament. He immediately rose, and bowing before the sovereign, said, "Preferment comes neither from the east, nor from the west, but from God alone. I acknowledge I have this from your majesty, as from God's vicegerent on earth, and the fountain of all earthly honour here; and I will endeavour to answer that expectation your majesty has of me, and to deserve the good will of this honourable house, in faithfully discharging what you both, without any desert of mine, have put on me," and having kissed his majesty's hand, resumed his seat. The clerk register's office was likewise contested between Johnston, and Gibson of Durie, but the last carried it, and Johnston was created a knight, and appointed one of the lords of session, by the title of Warriston. The earl of Lanark was continued secretary. Roxburgh, lord privy seal. Sir Thomas Hope of Craigenhall, lord advocate, and Sir John Hamilton of Orbiston, lord justice-clerk. Sir John Spotswood, the president, and three of the judges, were removed from the bench, and eight privy counsellors, struck off the king's list, at the request of the estates, and the offices which had been conferred by their advice, were confirmed during good behaviour, or life.

In return for the king's concessions, parliament consented to release the incendiaries and plotters from prison, refer their trial to a committee during the recess, and their sentence to the king; but this adjustment did not tranquillize the country, nor eradicate from the minds of the parties, those seeds of suspicion, and principles of mutual repulsion, which their

contentions had engendered. The high royalists were displeased at the concessions the king had made, and at the favour into which he had received the presbyterians, and the presbyterians were not altogether satisfied that the others had thus escaped some exemplary punishments, or that without some special infliction they would consent to be quiet. The marquis of Hamilton, who had gratified the covenanters by his application for Loudon, and by the moderate measures he was understood to have advised, had not only succeeded in getting himself erased from the list of incendiaries, but gained such influence, that together with Argyle, he shared their confidence, and swayed their councils—becoming suspected by the king, he of course became an object of calumny, and of vengeance to the high royalists, who viewed him with an antipathy little inferior to that with which they regarded Argyle. The insults to which he was subjected, became in consequence, matters of parliamentary inquiry. Lord Carnwath was represented to have said, “Now, there are three kings in Scotland, but by God, two of them shall lose their heads”—naming Hamilton and Argyle; but as only one evidence could be produced, the accusation was dropped. Lord Henry Kerr, however, eldest son of the earl of Roxburgh, accused the marquis as a juggler with the king, and a traitor both to him and his country, and, in a fit of intoxication, sent as his second, lord Crawford, who was in the same state, to carry the charge and a challenge. This message he delivered in an insolent and furious manner, in the presence chamber, to which Hamilton calmly replied, if he would return on the morrow, he would give him an answer. The parliament, resenting such an open affront, offered to one of their members in such a place, complained to the king, when the marquis interfering, requested they both might be pardoned, on account of the regard he bore to lord Kerr’s father, and the particular circumstances of his companion, yet the parliament would not rest satisfied till lord Kerr publicly confessed his fault, and asked pardon of the king and of the marquis, for the impropriety of his conduct. The marquis, aware of the suspicions and surmises which were abroad respecting him, seized the opportunity for exculpating himself, and ob-

tained an act of the estates, not only declaring that he was free from the scandalous words, tending to the prejudice of his honour and fidelity to his king and country, spoken in his majesty's presence, by lord Henry Kerr, and acknowledged in presence of parliament by the speaker, to be both rash and groundless, but that his majesty and estates believe, and esteem him to be a loyal subject to his majesty, and faithful patriot to his country.

This public testimony did not silence the whisperers who had access to the king, and he soon discovered by the coldness of his manner, that their insidious stories had created or confirmed unfavourable impressions on his mind. Lanark, too, perceived that the king's countenance was changed toward him, and he used the freedom to ask his majesty, if he thought him capable of doing any thing deliberately, that could merit his displeasure. To which the king answered, that he believed he was an honest man, that he had never heard any thing to the contrary, but that his brother had been very active in his own preservation; a reply which gives some credibility to the king's being involved in the still dark and not well explained plot, which, from its apparent unconnection at the time, with any other event in Scotland, has been denominated, the incident.

Shortly after the conversation I have mentioned, notice of a design against Hamilton and Argyle—in which the earl of Crawford, colonel Cochrane, and lieutenant-colonel Alexander Stewart, were to have been the principal actors, and to which it was said the king, lords Almond, Ogilvy, Gray, and Kinpunt, Murray, groom of the bedchamber, lieutenant-colonel Home, captain Stewart, and a number of others were privy—was communicated to the marquis. He, with Argyle and Lanark, were to have been summoned at midnight to court, as if to attend his majesty on some very urgent business. In the way thither, they were to have been arrested as traitors, and delivered to the earl of Crawford, stationed for that purpose with a number of armed men in the garden, at the foot of the Blackfriars, by whom they were to have been carried to a frigate in Leith roads, or assassinated, in case of offering any resistance. Colonel Cochrane was to have

marched with his regiment from Musselburgh, to overawe the town of Edinburgh, and secure several of the other leading members of parliament. A vigorous attempt was at the same time to have been made, to obtain possession of the castle by Montrose, after which the prisoners would have been brought to trial. The information was speedily communicated to all interested, who fortified their houses against surprise, and the report becoming public, the whole city presented a scene of alarm and confusion; the citizens were under arms all night, and strong guards were everywhere placed.\*

\* This event, which Hume says, “had neither cause nor effect that was visible, nor purpose, nor consequence,” Hist. vol. vi. chap. 55, had a very evident purpose, and very important consequences. Its purpose was to overturn every thing that had been done in Scotland, and its first consequence was to revive the spirit of jealousy in the parliament, which had almost been laid asleep, and next, to give additional weight and influence to the parties who were the reported objects of the court’s dislike. If the plot were true, then all is plain; if it were a supposititious one, Hamilton and Argyle must have been the authors of a very vile and infamous fabrication, for no visible end; to gain an object of which they were in full possession—the public favour—as idle a design as unworthily projected. The question then is, was it true? The evidence taken before the committee of parliament, upon which they decided, “that the marquis of Hamilton, and earls of Argyle and Lanark, had good reason for withdrawing themselves,” has been lost. Balfour, in his journal of parliament—now in course of publication—has preserved the following notes of the depositions. Captain William Stewart’s depositions of the 12th of October—taken—by the three estates, anent the discovery to him of the plot, by lieutenant-colonel Alexander Stewart, which plot was to be put in execution the 11th of October.

The said captain William’s second depositions, taken by the committee, little or nothing differing from that taken by the three estates, read.

Lieutenant-colonel Alexander Stewart’s deposition, taken by the committee, 22d October, containing a discourse contrary in purpose to that which captain William Stewart deposed he related to him, anent the apprehending the marquis and Argyle, and sending them to the king’s ship, or else stabbing them; but concerning my lord Ochiltree’s imprisonment and liberation, and how the said lord had spoken truth of the marquis, which was, that he was a traitor in effect; this deposition was all contradictory to captain William Stewart’s.

The two Stewarts’ contradictions, taken under their great oaths, parallelled, read.

Lieutenant-colonel Hume’s depositions before the three estates, October

Next day, the king, attended by five hundred armed men, entered the outer hall of the parliament house in a menacing manner, and increased the confusion; nor would they proceed

12th, read, and his re-examinations before the committee, 23d October, affirming all his former depositions to be truth, wherein there was much of the plot discovered.

Matthew Hamilton's deposition being read, contradicting his master, lieutenant-colonel Alexander Stewart.

Lieutenant-colonel Ludovick Leslie's depositions read, anent lieutenant-colonel Alexander Stewart's going with him to Sweden, which was altogether false.

Lieutenant-colonel Richardson's deposition before the committee, 23d October, anent his privy conference with the earl of Crawford, read.

Colonel Laurence Blair, his depositions before the committee, anent his discourses with the earl of Crawford, full of fooleries, read.

Earl of Crawford's depositions before the committee, anent a discourse at dinner in the earl of Airley's house, concerning a letter written by the earl of Montrose to the king, wherein he undertakes to prove the marquis of Hamilton a traitor, read.

Lieutenant-colonel Hume's second deposition before the committee, 23d October, anent a discourse betwixt colonel Cochrane and him, of William Murray's taking him to the king's bedchamber, read.

Captain Robert Kennedy, his deposition before the committee, anent his discourse with colonel Cochrane, read.

Colonel Cochrane's deposition under his own hand, containing a conference betwixt William Murray and him, anent the arresting of Hamilton and Argyle, read.

Item, the committee's interrogatories at Cochrane, of his own depositions, wherein he contradicts Hume, read.

William Murray, one of the grooms of his majesty's bedchamber, his depositions taken by the committee, 25th October, anent a discourse betwixt the earl of Montrose and him, which he confesses he declared to his majesty; and of his delivering of three letters from the earl of Montrose to the king, and of his majesty's answers to them.

Item, the said William confesses his taking of colonel Cochrane to the king's bedchamber; but does not know what the colonel said to the king.—Item, he denies many points of Cochrane's depositions against him, anent divers discourses betwixt them.—Item, he denies he knows any thing of drawing Hamilton and Argyle to a conference in the king's drawing-chamber, read.

Lord Almond's depositions before the committee, 25th October, wherein he confesses that William Murray, Crawford, lords Ogilvy, Gray, &c. was such a night at his house, read.

The earl of Crawford's re-examination by the committee, 27th October, instant, read, wherein he declares his former depositions to be all true, but

to business, till general Leslie was intrusted with the discretionary command of all the troops in the town and neighbourhood, and every stranger who had not particular busi-

only some which he retracts ; and in these [depositions,] he confesses, that in the lord Almond's house, there was speaking amongst them of arresting Hamilton and Argyle.

Colonel Cochrane's re-examination on his great oath, before the committee, 27th October instant, wherein he declares all his former depositions to be true, but only these two discourses betwixt William Murray, the earl of Crawford, and him ; and the precise time of his own discourse with the lord Ogilvy.

The committee's interrogatories at Cochrane, of his own depositions, full of contradictions, read.

William Murray's re-examinations by the Committee, 27th October, upon his great oath, read ; wherein he denies these things that Crawford and Cochrane lay to his charge.

Crawford and Cochrane's confrontations with William Murray, before the committee, 27th October instant, read ; wherein William Murray does altogether deny that ever he desired Cochrane to go to the king's bedchamber.

Lieutenant-colonel Hume's re-examination upon his great oath, wherein he avows all his former depositions, and adds anew against the earl of Crawford, read.

The house ordains each estate to have a copy of these depositions, to the effect that they may take the same into their consideration, and to meet apart this day in the afternoon.—5d November.

The committee for the incident, make their report, that, according to the order of the house, they had called before them the earl of Montrose, and interrogated him what he meant by these words of his letter, “ That he would particularly acquaint his majesty with a business, which not only did concern his honour in a high degree, but the standing and footing of his crown likewise. He said, what his meaning was, he had already declared to his majesty, and the committee from the parliament, on Saturday last, at Holyroodhouse ; he farther declared, that thereby he neither did intend, neither could nor would he wrong any particular person whatsoever. This being read under Montrose's hearing to the house, did not give them satisfaction.” From this evidence, meagre as it is, there can be no doubt of the existence of the conspiracy, vide Laing, vol. iii. Note VIII. its connexion with the accusation of the English is more doubtful. Mr. Brodie has remarked, and it is strange that so evident an observation should have escaped Mr. L. in his hypothesis respecting Saville's forged letter. “ With a knowledge of the existence of that letter, Charles must have learned that it was forged, and consequently must have known that the fact could be proved, so that it could injure none but Saville, who was now in favour.” Brodie's British Empire, vol. iii. p. 149

ness, was dismissed from the court and the city. The marquis and Argyle, whose followers had assembled avowedly to protect them, apprehensive that some tumult might ensue from the concurrence of so many irritated retainers, retired to Kinnel House, the earl of Lanark's residence, delightfully situated on the south bank, not far from the confluence of the Evon with the Forth. When the house proceeded to examine into the affair, the king, violently enraged against Hamilton, inveighed bitterly against his needless and cowardly flight, and complained of the false and calumnious rumours to which it had given rise. He had, he said, been deaf to insinuations against him from persons of the highest rank, and greatest trust about him, but when justice demanded it, he would not shelter the best subject in all his dominions. He protested his abhorrence of all plots, and swore by God, the parliament, and the fugitive lords too, behoved to clear his honour; till this was done, he required Hamilton to be sequestered the parliament, and a public inquiry instituted, that his character might be vindicated.

The estates, under pretext that the accused had friends in the house, and that secrecy was necessary in such delicate investigations, recommended a private committee, where the examination of witnesses could be conducted with greater freedom, in which the king prudently acquiesced, and the lord president Balmerino, the lord chancellor, the duke of Lennox, with four barons, and four burgesses were appointed for this purpose. The result of their investigation was, that a plot had existed against Hamilton and Argyle, either for their destruction, or their sequestration from parliament, and that they had good grounds for their flight, but were now desired to resume their seats, which they immediately did, and the whole was at the time hushed up with an expedition, that probably originated in the unpleasant situation in which the disclosure might have placed his majesty; for that it had been in agitation to seize Hamilton and Argyle, is evident from the depositions, imperfectly as they are transmitted to us, and that the king was acquainted with more than appears on the record, seems highly probable from the little that does. Colonel Cochrane, whose contradictory evidence gives import-

ance to what is ambiguous, had certainly a long interview with the king, under a promise of secrecy, and Montrose's letters were produced, in which he promised that he would particularly acquaint his majesty with a business which not only did concern his honour in a high degree, but the standing of his crown; and when examined as to what he meant, gave only evasive and very unsatisfactory replies.\* Clarendon's account is liable to little objection, and confirms strongly this view of the subject. Montrose, as he states, who was actuated throughout by a restless, wild, and unprincipled ambition, was zealous in the cause of the covenant as long as he was the leading personage, but no sooner did Argyle share that honour, than he made proffer of his service to the king, on whose arrival in Scotland, he, by the agency of Murray of the bedchamber, had a private interview with Charles, and informed him of many particulars from the beginning of the rebellion. The marquis of Hamilton, he said, was no less faulty and false toward his majesty than Argyle, which he was able to prove before parliament, but rather advised to have them assassinated, which he himself "frankly" undertook to do. The king rejected the infamous proposal, and desired him to prepare rather a public accusation against them, which ere he could effect, the whole had transpired, and the scheme was thus rendered abortive. †

When documents are silent, conjecture may be ingenious, but it is seldom safe in a historian to indulge it, yet there is so much plausibility in the supposed connexion between this incident, and the attempt afterward made by the king upon some of the leading patriots in the English house of commons, that it would not be proper entirely to overlook it. ‡ No sooner was it known that Hamilton and Argyle had taken the alarm, than the English commissioners sent off intelligence by express to London, when the parliament was upon the point of meeting. Watches were instantly set in various parts of the city, by order of the standing committee, and the first thing that occupied the attention of parliament, was the Scot-

\* Balfour's Annals. Baillie, vol. i. p. 330. Hardwick's State Papers.

† Clarendon's Hist. vol. ii. p. 298. ‡ Laing's Hist. vol. iii. p. 229

tish conspiracy. In a conference between the two houses, its object was stated to be to interrupt the proceedings of the estates in Scotland, and a similar design was alleged to be on foot in England, where some surmises which had been spread of a correspondence between the papists in the two kingdoms, were seized upon as affording sufficient grounds for consulting the safety of the capital and the legislature. It was therefore proposed and adopted, that a strong guard should be kept in the cities of London and Westminster, and an express sent to Scotland, to inform the estates, that the parliament were ready to grant every assistance in their power, to aid in suppressing internal disturbance. At the same time the earl of Essex, who had been placed by the king in command south of the Trent, was ordered to appoint a guard for the protection of parliament.\*

Unfortunately at this juncture, intelligence arrived of the Irish massacre, which, as it originated with, and was stimulated by the papists, and belonged as entirely, in all its atrocity, to the influence of that religion, as the massacre of St. Bartholomew, was extremely detrimental to the cause of the king, who had so often shown a bias in favour of the Romish persuasion, and an unwillingness to concur in those measures of restraint, which, though harsh, were considered by the bulk of the protestants, as necessary for self-preservation against the machinations of a priesthood, whose annals cannot show one solitary instance, in which, as a body, they were intrusted with temporal power, and did not abuse it. The atrocities committed before their eyes, convinced the most sceptical, and alarmed the most secure; they perceived that all that had been said about the danger arising from papists and papistical tenets, was not either chimerical, or conjured up merely to answer a purpose; and a majority, if they did not entirely believe, did not altogether reject the rumours that implicated the king, but more particularly the queen, in the terrible transactions. The connexion of Ireland with England, was that of conquered and conqueror in the worst sense, not where a nation is completely subdued, and incorporated

\* Rushworth, vol. iv. p. 390. Nelson, vol. ii. p. 492.

with the subjugators, or where all resistance having been overcome, the conquerors, feeling secure in their possession, assimilate with the vanquished, and are lost among them, or recognized only by the superior laws and manners they have introduced. The English never completely reduced Ireland, because they never civilized it, and were never safe beyond the boundaries of their own colonies. The Irish, a brave but a barbarous people, looked with indignant feelings upon the strangers whom they considered as intruders, and whose flourishing estates, the effects of their own industry, rendered them doubly hateful to men, who preferred a savage community of half cultivated land, to a fixed, but narrower portion of property.

This feeling of aversion, which the influence and example of successful agriculturists might have eradicated or directed into useful emulation, was deepened by the haughty treatment of the invaders, and by the successive emigrants, who, obtaining grants from the crown, of the estates of the chieftains, whom their insults or tyranny had forced into rebellion, disdained to cultivate the affections of the people among whom they settled, but above all, it was kept alive by the difference of religion—the natives were Roman Catholics, the colonists protestants; and the animosity was exasperated by the popish priests, who, although they and their religion enjoyed toleration, and in several instances were the favoured of government, were never contented, nor would ever allow the people to be quiet, as long as the ecclesiastical revenues were appropriated to the support of heretics, and of a religious establishment not exclusively their own.\* A nation so situated, needs only an opportunity for rising, this Charles, by his rash and abortive attempts against Scotland afforded; and as the successful resistance of the Scots led the way to the manly op-

\* At this day the question of Catholic emancipation, as it is called, as a deliverance from grievances, is a mere pretext. The Roman Catholics will never be satisfied till they obtain power in the state, and an establishment for their church. They believe as firmly that they have a right to the church livings and lands, as they do in the doctrine of transubstantiation; and were there no rich benefices in view we should hear little of their claims—secularize *them* and we shall be no more troubled about other parts of the question.

position of the English, so it unhappily was made a handle of by the Irish, to excite to insurrection, and to endeavour the establishment of Catholic supremacy, in a manner almost too horrible for relation.

Roger More, lord Macguire, and sir Phelim O'Neale, descended from the ancient Irish, and looked up to with veneration for the purity of their blood; the two last, the most powerful of the native Irish, from their wealth, and the other, from the reputation of his courage and capacity, were the principal conspirators. The approach of winter was the time chosen for the execution of their design. O'Neale and his associates, were to commence a simultaneous attack on the whole of the English settlements throughout the provinces, and Macguire and More, to surprise the castle of Dublin on the same day. In Dublin, the plot was discovered and defeated, but throughout the country, the insurrection was universal, and dreadfully successful.

Preparatory to the work of death, the priests administered the holy sacrament, and over the consecrated host, the people swore to exterminate every protestant. In prosecuting these vows of destruction, their bigot zeal, frequently overcame their inveterate avarice. The heretic and his property were consumed in one common flame, or the maimed cattle, were left with their wounded masters, to die and rot, unburied in the fields. The protestant population were taken wholly by surprise, for, trusting to the enmity so generally existing, and so faithfully inculcated upon the Catholics, the leaders of the conspiracy committed the particulars of the plot to a comparatively small number. A hint was sufficient to elicit the combustion, and the seizure of their houses, cattle, and goods, was the first intimation the unfortunate English received of their design. Ignorant of the extent of the calamity, and incapable, from its suddenness, of taking any measures for mutual protection, each endeavoured to fortify and defend his own habitation, and their feeble and divided efforts, offered little resistance to the accumulated force, and organized barbarity of their enemies. A universal, indiscriminate massacre, without regard to rank, age, or sex, accompanied by circumstances of atrocious, cold blooded horror, unparalleled, except

in the crusades against the Waldenses, or the Huguenots of France, followed a scene of rapine and pillage. Men, women, and children, were driven naked from their homes, in an inclement season, to perish by hunger or cold, in the bogs, or on the hills; hundreds were forced at the point of the spear, into rivers and lakes, and drowned amid the exulting shouts of their persecutors; the husband, and the wife, the infant, and the sire, were mingled together, in unsparing ruin; some lingered out a wretched existence in dungeons, amid the most loathsome filthiness, others, suspended on hooks, expired in agony, after protracted torture; children were compelled to murder their parents, and mothers to destroy their own offspring, and were afterward themselves, butchered without mercy; women with child, were tormented till their sufferings produced premature labour, and when writhing in the pangs of childbirth, saw the pledges of their connubial love, cast to the dogs, and to the swine.

In the city, and in the field, all was wild desolation and despair. But the triumph had been incomplete, if the perverted feelings and notions of religious phrenzy, had not been gratified by the mental anguish, as well as the bodily pain of the protestants. Numbers were invited to mass, and after having been induced, by promises of safety, to renounce their profession, and comply with the Romish rites, were inhumanly taunted with their apostasy, and put to death, to prevent their relapse. Wherever any show of resistance appeared, the poor wretches were disarmed by insidious promises of safety, confirmed by the most solemn oaths, and when, trusting to these assurances, they capitulated, they were perfidiously slain. The Scots in the province of Ulster, who were estimated at about one hundred thousand, and were more concentrated, were, in the beginning of the rebellion, spared by the Irish, who affected to treat them with moderation, as sprung from the same origin, but, wisely distrusting these hypocritical professions, numbers of them withdrew from the country, and the rest, prepared to meet the faithless assassins, defended themselves in some of the strengths of the province, till assistance arrived from Scotland and relieved them, although not before they suffered considerably.

It is impossible to ascertain correctly, the aggregate of those who fell victims in this execrable massacre, it is so variously estimated. The Papists boasted, that two hundred thousand had been murdered, when they gloried in the deed, as a work of merit, and between forty or fifty thousand, is the lowest at which the episcopalian faction would venture to reckon it, when they wished to extenuate the horrible fact. Clarendon, in his history of the Irish rebellion, leaves us to conjecture a more dreadful amount, from the indefinite expression, an incredible number.

The first despatches Charles received from lord Chichester, mentioned only the rising in Ulster, but neither the nature, extent, nor enormity of the rebellion. These the king—whom it would be difficult to free from a knowledge of the plot\*—laid before the Scottish parliament, expressing his hope, that the disturbance would be but trivial, and that there would be no necessity for applying to them, but were it necessary, he would with the utmost confidence rely upon their ready assistance. A committee was appointed to take the subject into consideration, and their report was:—that Ireland being a dependancy upon the English kingdom and crown, they could not interfere without the authority of the English parliament, lest their motives might be mistaken, and occasion any jealousy between the two nations; besides, that by the

\* The rebels constantly affirmed they acted under royal authority, and produced a commission dated from Edinburgh, and sealed with the great seal of Scotland—the authenticity of this has been denied, but the arguments for its being a forgery are contradictory, and far from convincing. The Earl of Essex told Bishop Burnet, “that he had taken all the pains he could to inquire into the original of the Irish massacre, but could not see reason to believe the king was accessory to it; but he did believe that the queen did hearken to the propositions made by the Irish, who undertook to take the government of Ireland into their own hands, which they thought they could perform, and then they promised to assist the king against the hot spirits of Westminster. With this the insurrection began, and all the Irish believed the queen encouraged it.” Hist. of his own Times, vol. i. p. 41. Charles and his wife are so completely identified in all the transactions of these troublous times, that it is impossible to believe that either acted without the other’s knowledge. For a full view of this subject, I refer to Brodie’s British Empire, vol. iii. p. 190—199. Note.

present accounts, the danger did not appear so imminent, nor would it justify their interference, particularly as his majesty had sent an express to England, and was waiting the return of more accurate details from Ireland, but should the insurrection prove serious, and the English parliament require their assistance, their forces would be ready to co-operate at a moment's warning. At the same time, they ordered an inquiry to be made, in order to ascertain the extent of the aid they might be able to furnish, and the means of transport, that the western coast could afford, and when intelligence arrived, which enabled them to estimate the extent and peril of the time, they immediately offered to levy ten thousand men, and furnish three thousand stand of arms, provided the English parliament would reimburse the expense, as they had neither the means, nor the power, to provide for this themselves.

As soon as the English parliament received information of the Irish rebellion, and of the offer of the Scots to assist in repressing it, they sent instructions to their commissioners, to request his majesty, to thank them, in the name of the lords and commons of England, for their promptness and care, and to make use of their assistance for the relief of these parts of Ireland which lay nearest them, by sending a regiment of one thousand to the province of Ulster, but they, at the same time, plainly intimated that this, in their opinion, was but the commencement of a plan for the subjugation of the liberties of the whole kingdoms, and had its origin in the councils of the king himself. They say, "that they had just cause to believe, that these conspiracies and commotions in Ireland, are but the effect of the same councils, and if persons of such aims and conditions shall continue in credit, authority, and employment, the great aid which we shall be enforced to draw from his people, for subduing the rebellion in Ireland, will be applied to the fomenting and cherishing of it there, and encouraging some such like attempt by the papists and ill affected subjects in England, and in the end, to the subversion of religion, and destruction of his loyal subjects in both kingdoms, and do therefore most humbly beseech his majesty to change these councils, from which

such ill courses have proceeded, and which have caused so many miseries and dangers to himself and all his dominions; and that he will be graciously pleased to employ such counsels and ministers, as shall be approved of by his parliament, who are his greatest and most faithful council, that so his people may with courage and confidence, undergo the charge and hazard of war, and by their bounty and faithful endeavours, with God's blessing, restore to his majesty and this kingdom, that honour, peace, safety, and prosperity, which they have enjoyed in former times. And, if the king should not vouchsafe to condescend to their humble petitions, they desire them to inform him, that although they would continue to reverence and obey him, according to the laws of the kingdom, they would be forced, in discharge of the trust they owed to the state, and to those whom they represented, to resolve upon some such way of defending Ireland from the rebels, as would concur to their security from such mischievous counsels and designs, as have lately been, and still were in practice;" and they gave, as their last and final instruction, "that they should represent to his most excellent majesty, that they cannot, without much grief, remember the great miseries, burdens, and distempers, which have for divers years afflicted all his kingdoms and dominions, and brought them to the last point of ruin and destruction, all which have issued from the cunning, false, and malicious practices of some of those who have been admitted into very near places of counsel and authority about him, who have been favourers of popery, superstition, and innovation; subverters of religion, honour, and justice; factors for promoting the designs of foreign princes and states, to the great apparent danger of his royal person, crown, and dignity, and of all his people; authors of false scandals, and jealousies betwixt his majesty and his loyal subjects, enemies to the peace, union, and confidence betwixt him and his parliament, which is the surest foundation of prosperity and greatness to his majesty, and of comfort and hope to them; that by their counsels and endeavours, those great sums which have been lately drawn from the people, have been either consumed unprofitably, or in the maintenance of such designs as have been

mischievous and destructive to the state; and whilst we have been labouring to support his majesty, to purge out the corruption, and restore the decays both of church and state, others of their faction and party have been contriving, by violence and force, to suppress the liberty of parliament, and endanger the safety of those who have opposed such wicked and pernicious courses."

In these instructions, we perceive the same spirit that dictated the remonstrance, and the same topics that are enlarged upon in that famous performance; but still the king's honour was preserved, the advisers of the crown only were implicated, and a plain road, the same he had pursued in Scotland, lay open to the affection of his people, and the security of his crown—a change of men and measures. This was pointed out in the representation of his parliament, and has since been often sounded, on occasions of less danger, in the ears of British sovereigns, by senators who were the firmest friends of their king, constitution, and country. The king was only influenced by it to hasten his departure from Scotland. Parliament quickly went through the remainder of the business, and passed a number of salutary statutes, which are now only to be found among the rescinded acts. Commissioners were nominated to adjust some mercantile arrangements with the English, and the recovery of debts in bonds in either of the kingdoms.

Among the acts passed were, one, for regulating the payment of five pounds Scots, per diem, to every one of the commissioners of shires, during the sitting of parliament, who, besides, were each allowed a separate vote, instead of being counted as formerly, one for each county, whatever number might have been chosen to represent it; another, for regulating the commissary courts, and regulating their fees; several, for the better administration of justice, and the encouragement of learning; and a commission of justiciary was issued, to proceed to the North Highlands, with a hundred and twenty armed men, to bring the turbulent banditti into subjection.

After appointing another, to meet on the 1st Tuesday of June, 1644, this parliament, the longest which had ever been

held in Scotland, rose on the 17th of November, all parties seemingly well pleased, and the important session was crowned by a royal banquet, given in the evening by his majesty, in the large gallery of the palace of Holyroodhouse. Yet it had been with some difficulty, that Charles was prevented from casting all loose, and protesting that nothing now done, should be held as prejudicial to his prerogative, nor did he hesitate to encourage the private assurances of his partisans, that the measures he had been constrained to authorize, should be annulled as soon as the public mind had become calm, and the vigilant suspicions of the covenanters laid asleep by his acquiescence, afforded an opportunity.

Views exceedingly opposite were taken both at the time and afterward, of the proceedings of this parliament. On the one hand, it was said to have, under the influence of selfish or traitorous motives, annihilated royal authority in Scotland, and without the name, established the essential properties of a republic. On the other, it was represented as having, in the upright spirit of enlightened patriotism, protected the cause of liberty and religion, and enthroned the king in the hearts of his subjects. Like all the representations of party, there is much exaggeration in both statements. To the praise of being actuated by principles of the purest patriotism, and by sound views of political liberty, they are from many of their acts justly entitled; but that their virtues were never unalloyed by motives of personal interest or ambition, would be to suppose them to have been inaccessible to the usual incitements of our common nature. The abrogation of the high commission, depriving the king of the power of issuing arbitrary proclamations, enjoining obedience under a penalty of treason, and the institution of triennial parliaments, merit the applause they have received; the scramble for place, which followed the parliamentary assumption of the right of nomination to office, is only one of those shades, that relieves the picture from the absurdity of spotless perfection; the act itself could only be justified by the peculiarity and necessity of the case. The monarch was surrounded by foreigners, liable to their influence, and unacquainted with the characters of the Scottish nobles, qualified

to fill the highest offices, the nation had already experienced the pernicious effects arising from their interference, and they knew the king's decided aversion to the only men, who, at the present critical juncture, enjoyed the confidence of the nation, nor had they any other effectual constitutional control over the choice of the servants of the crown, unless they had followed the precedent of Lauder bridge.

Previously to his departure, the king endeavoured to secure the personal attachment of the leading nobles; he created the earl of Argyle a marquis, lords Loudon and Lindsay were raised to the rank of earls, and the general, Leslie, besides a large pecuniary remuneration, had also the title of earl of Leven conferred upon him. The greater part of the ecclesiastical revenues, which, on the suppression of the bishoprics, had reverted to the crown, was distributed among the chiefs who had opposed him, and the only persons passed over, were those who had been forward in his support, and Balmerino, a nobleman whom he had injured too deeply, ever to forgive. Arrangements were made for more regular and adequate support to the ministers, and Henderson, his chaplain, had the temporalities of the deanery of the chapel royal bestowed upon him. The universities had also some portions allotted to them; but still the church had to complain of the irregular payment of their moderate stipends, and that the seminaries of learning were not encouraged with a liberality proportioned to their importance.

Although subordinate in interest to the transactions of parliament, the proceedings of the general assembly, which sat at the same time, and which are, in general, passed over by our historians without remark, are far from being unworthy of notice; they are, in fact, necessary to be known, in order to trace accurately the progress of that pernicious intolerance, which, by attempting to enforce presbyterian uniformity over the whole island, was the source of so much mischief, and so many misfortunes to Scotland. It met first at St. Andrews, but as a number of the elders were members of parliament, it speedily adjourned to Edinburgh for their convenience, and the two councils so arranged their meetings, the ecclesiastical sitting in the fore, and the estates in the

afternoon, that the business of both was carried on at the same time, without interfering with their mutual sederunts. The earl of Wemyss was commissioner, and delivered a gracious letter from the king, expressive of his intention to secure the constitution of the church, to support an efficient ministry, by appointing able men to fill the vacant charges within the patronage of the crown, and to provide for its continuance, by promoting every measure that tended to encourage learning in the schools and colleges, and in return, requested their prayers in his behalf, and their endeavours in inculcating upon their flocks the duty of paying him that honour and obedience, they owed him as God's vicegerent for good. In the warmth of their gratitude, the assembly replied, assuring his majesty of their prayers for his happiness, and of their exertions to preserve peace and tranquillity, that they might be an example to others in paying that honour, which by all laws, divine and human, is due to him, being confident that he would find, at his coming among them, more satisfaction and pleasure than they were able to express.

From whatever cause, whether private animosity, or a real difference of sentiment, the variance between Henry Guthrie and the laird of Leckie, had rather increased since the Aberdeen Assembly, and as each endeavoured to strengthen his party, the dissension threatened to spread in the church. In Edinburgh, the dispute assumed a serious aspect, some contending for the right of private Christians meeting together for the purposes of mutual exhortation, without a minister being present, and the ministers insisting, that by the act of Aberdeen, no private Christian was authorized to explain the Scriptures, or exhort, except in his own house, and to the members of his own family. The former, which was considered as opening a door to independent sentiments, was espoused by several of the most pious of the ministers; the latter opinion was supported by a majority, especially of such as had struggled for the legal establishment of presbytery, and were afraid of whatever bore the name of innovation; but the whole were either convinced of the divine authority, or agreed in the practical expediency

of church courts, and were at that time, afraid of independency, more from having heard of, or witnessed the extravagancies committed by some under this name, than from any absolute conviction of the unscriptural nature of their tenets, as then pled for.

A number of the most respectable citizens insisted upon the utility and propriety of private meetings, and required the repeal, or at least the explication of the act made at Aberdeen, and some of the over-zealous, imprudently, expressed their dislike of the restraints of that act, in terms which highly displeased their pastors, who appear to have thought that they favoured the error—afterward very prevalent—of rejecting or undervaluing the office of a regular pastor in a Christian church; and they, perhaps, on the other hand, might be apt to exalt too highly the sacred character, which, in their zeal to humble the ridiculous pretensions of indelibility, claimed by popish and prelatrical priests, some of themselves had, in the heat of controversy, treated with irreverent contempt.

After a conference between the parties, and several of the most eminent of the ecclesiastical commissioners in private, where the subjects were reasoned upon, and considered calmly, the matter was brought before the general assembly, and an act adopted, which guarded against the extremes on both sides, and for the time, set the controversy at rest. It ran thus. “In order to prevent dishonouring the name of God before men, the assembly find it most necessary to stir up themselves, and to provoke all others, both ministers and people of all degrees, not only to the religious exercises of public worship in the congregation, but of private worship in their families, and of every one by themselves apart; but also to the duties of mutual edification, instruction, admonition, exhorting one another to forwardness in religion, and comforting one another in whatsoever distress,” “but because the best means have been, and may still be despised or abused, and particularly the duty of mutual edification, which hath been so little in use, and so few know how to perform in the right manner, may be, on the one part, subject to the working of ungodly men, who cannot endure in others,

that which they are unwilling to practise themselves, and on the other, the many errors into which the godly, through their weakness, may fall, or by the craftiness of others, may be drawn into; such as error, heresy, schism, scandal, self-conceit, and despising of others; pressing above the common calling of Christians, and usurping that which is proper to the pastoral vocation; idle and unprofitable questions, uncharitable censurings, neglect of duties, meddling with other men's matters, and many similar errors in doctrine, charity, and manners; therefore, the assembly, earnestly desiring to promote the work of reformation, and to have the comfort and power of true godliness sensible to every soul, and religion to be universally practised in every family, charge all the ministers and members of this kirk, that, according to their several places and vocations, they endeavour to suppress the mocking of religious exercises, especially by those who cast foul aspersions, and factious or odious names upon the godly on the one hand; and on the other, that they be aware, lest, under the name or pretext of religious exercises, otherwise lawful and necessary, they fall into any of those abuses which occasion scandal, and are contrary to truth and peace; and presbyteries and synods are directed to take order with such as transgress in either respect." This act shows how anxious the church of Scotland was to preserve peace and harmony within its own bounds, and to promote real religion among its members, and at the same time, gives toleration to, or rather, approbation to private meetings for exercise, as they were afterward called, while the superintendence, and oversight of the church courts, preserved them from degenerating into irregular, unwarranted assembling, calculated to supersede the decent and orderly public worship of the congregation.\*

While the assembly were alarmed at the appearance of independent principles among their people, they had their attention turned to a charge brought against some of themselves, by their presbyterian brethren in England. The

\* This act was drawn up by Henderson, and supported by Rutherford, Blair, Dickson, and Cant.

labours of the Scottish ministers had been eminently successful in propagating presbyterian principles, and a number of ministers in the neighbourhood of London, wrote a letter to the assembly, congratulating them on their happy triumph, and expressing their expectation of also getting presbyterial discipline established, but they added, “ Almighty God, having now, of his infinite goodness, raised up our hopes of removing the yoke of episcopacy, under which we have so long groaned, sundry other forms of church government, are by sundry sorts of men projected, to be set up in the room thereof, the chief of which is independency—a system which asserts that every separate congregation forms a complete church within itself, subject to the authoritative interference of no other, and possessing all the powers requisite for conducting the spiritual concerns of its members”—and they requested the opinion of the assembly, “ as some famous and eminent brethren among yourselves, do somewhat incline unto an approbation of that way of government.” The persons here alluded to, were Mr. D. Dickson, and Mr. Cant, who, because they favoured the practice of private meetings, which was considered as an incipient independency, had been looked upon as favouring the whole plan. But, upon the question being discussed, they expressed their approbation of their own form of church government, and their determination to support it in opposition to independency, as well as episcopacy.

All being agreed on this point, an answer was returned to their English brethren, in which the assembly expressed the tender interest they took in the situation of their sister “ kirk,” their satisfaction at the approaching downfall of the hierarchy, and gave their unanimous voice in favour of presbytery, but consenting at the same time, to forbear with the independents. They hail, however, with gratulation, the dawn of conformity, and the prospect of an intimate and endearing connexion between the two churches. “ We have learned by long experience, ever since the time of the reformation, and specially after the two kingdoms have been, in the great goodness of God to both, united under one head and monarch, but most of all, of late, which is not unknown

to you, what danger and contagion in matters of kirk government, of divine worship and of doctrine, may come from one kirk to the other, which, beside all other reasons, make us pray to God, and to desire you, and all that love the honour of Christ, and the peace of these kirks and kingdoms, heartily to endeavour, that there might be in both kirks, one confession, one directory for public worship, one catechism, and one form of kirk government ; and if the Lord, who hath done great things for us, shall be pleased to hearken unto our desires, and to accept of our endeavours, we shall not only have a sure foundation for a permanent peace, but shall be strong in God, against the rising and spreading of heresy and schism amongst ourselves, and of invasion from foraine enemies.”

Situated as the church and kingdom of Scotland then was, a wish for uniformity in religion, was both natural and justifiable. That this could not be established upon episcopalianism was perfectly evident, and independency asked no aid from the civil power, and refused countenance from the state as an associated body; all they required in religious matters, was liberty to regulate themselves according to their conception of the word of God, and protection so long as they behaved as quiet and peaceable subjects; if, therefore, there was to be a state religion, authorized and supported by government, presbytery was the only one which presented itself to be established by parliament, and the only one which apparently offered a rational hope of uniformity. In recommending it to their English brethren, as the model for their ecclesiastical structure, the assembly acted in entire consistency with their principles and with their interest, for having suffered so much from the persecuting spirit of prelacy, it was impossible in the nature of things, that they should not eagerly seize the first opportunity, to erect upon its ruin, a monument of their own triumph, and such an one as would promise to prevent its resurrection. These desires had been formerly expressed by the commissioners for the treaty, they were now repeated by the church, and had they been enforced by the only legitimate weapons in such warfare, argument and reason—had they never been pushed farther than

in this assembly, the conduct of the presbyterians would have claimed our unqualified approbation; but they were destined to exemplify in their future proceeding, how dangerous it is to intrust any collective religious body with the direction of civil power, and what melancholy consequences may arise from good men pursuing a good object with the purest intentions, if by improper means.

It should always be remembered, when we hear, from those who have never been at the trouble of examining the subject, tirades about the superficial learning of our Scottish divines, that the object of their most anxious solicitude was uniformly, and, constantly, the promotion of literature in the country; and they offered in this assembly some suggestions, which it were well if the patrons of the present day would attend to, particularly the last. They were recommended to the consideration of parliament under three heads. First, Because the good estate, both of the church and commonwealth, dependeth mainly from the flourishing of universities and colleges, as the seminaries of both, which cannot be expected, unless the poor means which they have be helped, and sufficient revenues be provided for them, and the same be well employed; therefore, that out of the rents of prelacies, collegiate, or chapter, churches, or such like, a sufficient maintenance be provided for a competent number of professors, teachers, and bursars in all faculties, and especially in divinity, and for upholding, repairing, and enlarging the fabric of the colleges, furnishing libraries, and such like good uses in every university and college. Second, Next for keeping of good order, preventing and removing of abuses, and promoting of piety and learning, it is very needful and expedient, that there be a communion and correspondence kept betwixt all the universities and colleges; and therefore, that it be ordained that there be a meeting once every year, at such times and places as shall be agreed upon, of commissioners from every university and college, to consult and determine upon the common affairs, and whatsoever may concern them, for the ends above specified, and who also, or some of their number, may represent what shall be needful and expedient for the same effect, to parliaments and assemblies. And, lastly, that special

care be had, that the places of professors of divinity in every university, be filled with the *ablest* men, and best affected to the order and reformation of this kirk. The commotions which so soon after took place, prevented these, and a number of other excellent resolutions from being carried into full effect, but they remain as honourable testimonies to the virtuous efforts of the church of Scotland, whose highest praise in her best time, was the attention she ever paid to the training of her youth, and the seminaries of education.\*

\* A committee was appointed at this assembly, to consider the state of the remote parts of Scotland, the Highlands, Islands of Orkney, Zetland, and the Hebrides, and to procure the settlement of ministers among them.

THE  
**HISTORY OF SCOTLAND.**

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Book VII.

At his departure from Scotland, Charles left a popular administration, and an apparently satisfied people. The church was settled upon a legal foundation, all the causes of complaint removed, and nothing seemed wanting but a period of internal tranquillity, to give stability to the new arrangements. There were some asperities in the construction of the political machine, but these would have worn off in its regular movements, had no external cause operated to derange its operations. Yet, with all these fair appearances, there existed a powerful counteracting agency in the restless spirit of the high royalists, who, encouraged by the king, watched for the reintroduction of all that had been abolished, and in the anxious desires of the church to promote the establishment of presbytery throughout the island—the one led to the impeachment of the English commons,\* and the other greatly contributed to the cordial co-operation of the Scots with the English parliament.

There existed in the state, opposed to each other as parties, the high royalists, or the abettors of unrestrained prerogative, and the friends to limited monarchy—the supporters of the constitution as now established—for however much accused

\* The intrigues of the high royalist party, procured for the king that evidence upon which he intended to proceed, in the impeachment of the English commons, and lord Kimbolton. Had this plot succeeded, the popular party would, most probably, have been crushed in England, and this would only have been preparatory to the recall of every concession that had been granted in Scotland.

of republican principles, there is not the smallest proof that any of the factions ever contemplated, or would have approved of a government without a hereditary chief, or ever thought of any other family, than of that one, the roots of whose genealogical tree were radiated among the original laminæ of the nation, and hid in the obscurity of their earliest records. At the head of the first were Traquair, a man of a narrow temporizing genius, and Montrose, distinguished by bold, unprincipled ambition, but both in disgrace, and, from their situation, incapable of effecting any thing for the king, except by intrigue. They had, however, promised, that they would procure the overturn of the late acts, and being retained in his majesty's confidence, they destroyed any cordiality in the royal mind towards the state of things as he left them, while they agitated the nation by the dark rumours of change to which they gave rise. The chief men among the last, Argyle, Loudon, and Balmerino, were not more distinguished for their steady affection to the cause of liberty, than for their abilities; Argyle was reputed the most acute, and Loudon the most eloquent of the Scots. Hamilton, from the extent of his property, possessed next to these the greatest influence, but he had been thrown involuntarily into the arms of the covenanters, and his trimming polities were ultimately disadvantageous both to his king and country. The church also was divided. The sincere, upright, conscientious presbyterians formed one class, they were men who preferred that form of ecclesiastical government, because they thought it most consonant to the Scriptures, and most conducive to the best interests of religion, yet would have borne, had they followed the dictates of their own minds, with those whom they esteemed truly pious, in minor matters of church order and discipline. Among them were numbered the most venerable names of the age, Rutherford, Blair, Gillespie, and Cant.\* Baillie trimmed with them, as Hamilton did with the statesmen. The others were the political presbyterians, who were the most furious for forms, but less careful about

\* They were afterward carried away by the more violent, but the history of their change of sentiment, belongs to ecclesiastical story.

practical piety, and though they fought for the bulwarks of the Scottish Zion, were little anxious about beautifying her palaces. The most forward among them were Guthrie, Dalglish, and Colville, &c. The former were afterward martyrs, the latter bishops, when times altered. These, however, acted together at present, and the moderates\* predominated, the others submitting for the sake of peace, as they supposed, to measures of which they did not altogether approve, but for which the pretexts were specious, and urged with zeal. The papists and episcopalians were a nerveless minority.

Two objects are mentioned, as having been in the king's view, in his late journey to Scotland. First, to conciliate the Scots by his concessions, so that if he could not obtain their assistance, he might secure their neutrality in the ensuing conflict, which he thus early either meditated or foresaw; and next, that he might obtain such information, as would enable him to impeach the leading men in England, as accessory to the introduction of a foreign force into the country. In his primary design he had so far succeeded, as to cause a reflux in the ebbing tide of Scottish loyalty, and might, perhaps, have ultimately, in a great degree, if not wholly, accomplished it, had he not delivered himself up too much to the guidance of the high royalists, who hurried him into measures incompatible with his previous purpose. By the plot of the incident, they checked in the bud, the returning confidence of the covenanting chiefs so severely, that all the sunshine of royal favour was not able afterward to restore it; for although an outward reconciliation had taken place, they never forgot the attempt, and Montrose, who was now fairly committed with his earlier friends, betrayed their secrets to the king, and furnished him with the information he so much desired, respecting their connexion with the English lords, a circumstance, which is justly considered as among the immediate causes of the civil war in England, as the proceedings against Balmerino was in Scotland.

Perhaps Britain never saw such an assemblage of integrity

\* Such was the name that party assumed to themselves, when persecuting the Brownists. Guthrie's Memoirs, p. 89.

and ability, as sat in the long parliament, and the leaders were too clear sighted, not to perceive the advantages which nourishing the hopes of uniformity in church government, would procure from Scotland; we shall accordingly find, that the very first proceedings of the English parliament, after the king's return, were directed to secure the affection of the Scottish ministers, while they never for a moment intermitted in their vigilant co-operation with the Scottish nobles, to paralyze the efforts of the high royalists. In the house of commons, as already noticed, "the incident" had made a deep impression; the principal men saw in it a spirit of vindictiveness, which survived treaties of pacification, and acts of oblivion, and which the obvious interests of Charles himself, to stand well with the Scottish nobles, had not been able to subdue. There was obviously no treason, of which Hamilton or Argyle could be accused since the negotiation, it must have been before, and it could only consist in their correspondence with the English, or in some way refer to the late disturbance. Their safety had been secured by their flight, and the interposition of the estates; it was therefore necessary for those who were conscious of being liable to similar, or stronger charges in England, to anticipate such an event, and provide against it, by putting the king himself upon his defence. This, which was not obscurely hinted in the instructions to the commissioners in Scotland, was plainly brought forward in the remonstrance which followed.

In that celebrated exposé, a terrific picture was drawn of the state of the nation; all the grievances of the people were exhibited in the strongest colours; every act of mis-government, from the commencement of the reign, till that period, distinctly detailed, every misfortune minutely enumerated, and the whole ascribed to the evil counsellors by whom the king was surrounded, and whom he was unwilling to dismiss. The removal of these ministers, and the appointment of others possessed of the confidence of parliament, were pointed out, as the means for ensuring the happiness, wealth, and prosperity of the country at home, and its respectability abroad. The example of the Scots, who had obtained the parliamentary nomination of the high officers of

state, as well as the imperious necessity of guarding against the vengeance of the crown, pointed out this encroachment on the royal prerogative, as a temporary measure at least, without which all the others would be nugatory; for were parliament to dissolve without such a security, it was not hazarding much, to prognosticate that the members who had opposed the royal will in this, would suffer as those who had in similar circumstances, on former occasions, been imprisoned and fined for their senatorial contumacy.

So firmly impressed were the popular leaders with their own danger, and with the little reliance that could be placed upon the king, that numbers of them had resolved to leave the country, if they did not attain their end, as the well known declaration of Oliver Cromwell to lord Falkland, the day after the remonstrance was voted, sufficiently evinces. "Had it not been carried," said the future ruler of the three kingdoms, "I would have sold all that I have, and gone to America," and he added, he knew there were many other honest men of the same persuasion. But so certain were they of carrying it, that they scarcely anticipated any opposition. The other party, however, were convinced, that on this question turned the fate of the country. The king, they knew, would never accede to what at once destroyed all his projected schemes of arbitrary power, and personal revenge; they therefore strained every nerve to obstruct the passing of this remonstrance, and after an animated debate of fourteen hours, it only passed by a majority of eleven. A motion for printing it was subsequently carried by a majority of twenty-three, and that was met by the proposal of a protestation, which occasioned such warm contention, that the prudence and calmness of Hampden alone prevented "horrid bloodshed."

Before the agitation to which this important question had given rise was stilled, Charles arrived in the capital from Scotland. On the road he was received with every outward demonstration of joy, and his public entry into London, was conducted with the noblest magnificence. The mayor, Sir Richard Gurney, who was knighted on the occasion, accompanied by the sheriffs, aldermen, and common council, re-

ceived him in their robes, and conducted him in grand procession, from Bishopsgate, through Cornhill and Cheapside, to Guildhall—the conduits running claret wine the while—where he was entertained with a royal banquet, served by the citizens, in their gowns, and the hoods of the livery of their company. After dinner, which, according to the good custom of these days, was concluded by 4 o'clock, the royal cavalcade proceeded through Fleetstreet and the Strand, to Whitehall, the houses on each side hung with tapestry, and the windows crowded with spectators, who made the air ring with acclamations! On taking leave, his majesty desired the lord mayor to thank the whole city, in his name, for their loyal and affectionate behaviour, and in return, he was earnestly petitioned, that he would make Whitehall his residence during the winter, and overlook the late disorders at Westminster, which they assured him, had not originated with any of the better sort of the citizens. The king was highly gratified with the show of affection the citizens manifested. He forgot—although in his own person destined to exemplify the remark—that popular applause was the most fickle and faithless of all human possessions, and, trusting to the flattering expressions of the magistrates, he began to entertain hopes, that the city of London would enable him to contend with the parliament; he therefore promised frankly, that he would spend his Christmas at Whitehall, and desired the recorder to join with him, in preventing a recurrence of riot or disorder.\*

As the earl of Essex's commission of captain-general, had expired on the king's return, he delivered it into his majesty's hands, and intimated to the house of lords, that he no longer commanded. On receiving his resignation, the lord keeper was sent for by the king, and ordered to acquaint parliament, that he had dismissed the guard appointed to protect them in his absence, as he hoped that now his presence would be a sufficient protection, but if there should be any occasion, and his majesty see reason for it, he would be ready to take care and provide for their security. In answer to this mes-

\* May's Breviary, p. 53.

sage, a petition was returned in the name of both houses, praying that the guards might still be continued, till they should satisfy his majesty of the necessity. Next day, the king sent a message in reply, telling them, “ That he had commanded the guards to be dismissed, because he knew no cause they had of fear, and because it was a great trouble to his subjects that were to perform that service, besides disquieting the people with strange apprehensions and jealousies; and that his majesty expects, when the parliament shall require any thing extraordinary, as this is, they should give particular reasons for it; yet his majesty is so tender of the parliament’s safety, that he will command the earl of Dorset to appoint some of the trainbands, only for a few days, to wait on both houses, and, if in that time he shall be satisfied there is just reason, shall continue them, and likewise shall take such a course for the safety of his own person, as shall be fit, of which his majesty doubts not but they will be as careful as of their own.”

The reasons assigned by the commons, for desiring a continuance of the guard, show how intimately they considered their own interest and fate connected with the proceedings in Scotland; they were—the number of suspicious, and desperate characters lurking about Westminster; the jealousy excited upon the discovery of a design in Scotland, to surprise several of the nobility, members of the parliament there, which had been mentioned in London several days before it broke out, and a surmise given, that something similar would be attempted against themselves; the declaration of some of the chiefs of the Irish rebellion, that the same plan was to be pursued in England and Scotland; advices from beyond seas, that there would be great alteration in religion shortly in these kingdoms, and that the necks of both the parliaments in England and Scotland should be broken; and the threatening speeches, and secret meetings of the papists in several parts of the kingdom. But the remonstrance was the most unequivocal expression of their sentiments, and immediately after this communing about the guard, a committee was appointed to present it, together with a petition to the king. His majesty, on hearing the petition, when the reader came to a

passage, representing a malignant party about his person, as entertaining the design of introducing a change of religion, his majesty, with hearty fervency said, “The devil take him, whosoever he be, that has a design to change religion,”\* a remark, however, which might apply two ways, as the commons prayed that the bishops should be deprived of their vote in parliament, and their immoderate power, usurped over the clergy, abridged. They had also requested, that he would not alienate any of the lands which might be forfeited in Ireland, on account of the rebellion, but reserve them for the better support of the crown, and to afford some indemnification to the people of England, for the heavy expense likely to be incurred in suppressing it. On this he remarked, “We must not dispose of the bear’s skin, till the bear be dead,” an observation, which, contrasted with his eagerness to offer the estates of the Scottish nobles, as rewards to those who should desert the cause of the covenant, operated as an additional confirmation, that he encouraged the insurrection.

Without waiting for any communication from the king, parliament, on the first news of the rebellion, resolved to borrow money, raise troops, and send arms to the Irish government; and when the message arrived from Charles respecting it, a bill was immediately introduced, for pressing men for the service, but the bill was delayed in the house of lords, and the mutual distrust between the commons and the king, who each endeavoured to obtain the command of the army, by retaining the nomination of the officers, prevented any speedy succours from being sent to the afflicted protestants of that island. But, as every day brought some new tale of horror, and the Scots had sent commissioners to concert measures with the English, for forwarding a sufficient force, Charles called upon parliament, to hasten their preparations in conjunction with them. In consequence, it was voted by the house of commons, that the offer of the Scots to raise ten thousand men, should be accepted ; but the house of lords would not consent, unless an equal number of English troops

\* Sir Ralph Hopton’s report to the House of Commons.

were employed, alleging as a reason, the danger lest the Scots might appropriate the island to themselves.

The commons, whose measures in several important instances, had been retarded or thwarted by the lords, had for some time felt, that until they could procure a majority in that house, their own power rested but upon an insecure base, and early in the month of December, appointed a committee to prepare heads for a conference with the lords, to acquaint them with what bills had been passed in their house, and sent up to their lordships, which, although they much concerned the safety of the kingdom, had not received their consent; and that the house being the representative body of the whole kingdom, and their lordships being but as particular persons, and coming to parliament in a particular capacity, that if they shall not be pleased to consent to the passing of these acts, and others necessary for the preservation and safety of the kingdom, that then this house, together with such of the lords as are more sensible of the safety of the kingdom, may join together, and represent the same to his majesty. The standing majority, upon whom the court could depend, and who were on every account the more obnoxious to the commons, consisted of the lords spiritual. These they had upon various occasions, endeavoured to get sequestered from the house of lords, and the voice of the metropolis at least, if not the nation, now seconded their wishes, but the king, and the bishops themselves, were the immediate cause of their obtaining their desire. A tumultuous assemblage of citizens collected at Westminster, had raised the cry of no bishops! but when Williams, archbishop of York, with the earl of Dover, made their appearance on their way to the house of lords, a temporary pause took place in the exclamations, one youth alone interrupting the respectful, or accidental silence. Instead of meekly disregarding, as a Christian prelate should have done, this impudent reviler, Williams stepped aside to seize him, when the populace interfering, as is usual in such cases, hemmed in his lordship, and all with one voice loudly roared out, no bishops! But after having regaled his ears for a short space, they suffered him quietly to proceed. Some cavaliers, however, or discarded officers, retained in

the king's service, who were walking near, indignant at the rudeness of the crowd, still more foolishly attacked the roundheads \* with drawn swords, and whether in consequence of this, or of previous irritation, or of new offence, the city of London and Westminster became a scene of uproar and confusion.

Some of the bishops, who were trembling for their order, as a bill for abolishing episcopacy was in dependance, seized this occasion for preventing the evils they dreaded, and affecting to fear that their persons were in danger, and that they could not attend their duty in parliament with safety, protested against all acts which might pass during the time of their forced and violent absence. This protestation, so similar to that of the Scottish prelates, and, like it, seen and approved of by Charles before it was presented, was indubitably intended to answer a similar purpose, and was followed by a similar effect. His majesty was now heartily tired of his parliament, and as he possessed no means of dissolving it, without its own consent, he encouraged this attempt to destroy it, by means of itself, for could the secession and protestation of the spiritual lords have rendered null the proceedings of the upper house, all business must have been at a stand, and the commons of necessity dissolved. Perhaps this protest might be legal, it certainly was enormously imprudent. When communicated to the commons, an impeachment of high treason was sent up against all that had signed it, who were immediately sequestered from parliament, and committed to custody, the only difference of opinion about their conduct being, whether they should not rather be sent to Bedlam than the Tower.

Suspicious of force being next resorted to, to procure a dissolution, the house of commons petitioned the king for a guard from among the citizens of London, to be intrusted to the earl of Essex, as there had been several attempts to bring destruction upon their whole body at once, and menaces thrown out against particular persons, from a malignant

\* Roundhead, a name imposed on account of their having their hair cropped.

party, bitterly envenomed against them, daily gathering strength and confidence, and who were arrived at such a height, as to embolden some to imbrue their hands in the blood of the subjects, in the face, and at the doors of parliament, and at the king's own gates, had dared to utter threats against them. Three days after, his majesty returned an answer, in which he protested before Almighty God, that had he any knowledge or belief of the least design in any, of violence, either formerly, or at that time, against them, he would pursue such to condign punishment, with the same severity and detestation, that he would do to the greatest attempt upon his crown ; and engaged solemnly, upon the word of a king, that the security of all, and every one of them, from violence, was, and ever should be as much his care, as the preservation of himself, and his children. On the same day, he ordered Herbert, attorney general, to enter an accusation of high treason in the house of peers, against lord Kimbolton, son of the earl of Manchester, and five of the leading members of the house of commons, Pym, Hampden, Hollis, Hazlerig, and Strode, of which, one of the principal charges, was their having traitorously invited and encouraged a foreign power, to invade his majesty's kingdom of England. A serjeant at arms, was sent to require the persons of the commoners. To this demand, the speaker replied, an answer should be returned as soon as the great importance of the business would permit. Irritated at their hesitation, the king determined to go in person, and arrest the obnoxious members, and next day, accompanied by his courtiers, and attended by a train of about five hundred armed men, he proceeded to the house, but the five members had withdrawn, and the king reaped only disappointment, from a rash and ill-advised measure, productive of the most fatal and irretrievable mischief. The day after, he ordered the lord mayor, to call a common council at Guildhall, which he himself attended, and with equally little success, required from them, the arrest of the fugitives, who he heard had sought refuge in the city.

The king's conduct on this occasion, formed an exact counterpart of what had taken place in Scotland during the

incident, and have both been traced to the same source—chagrin at the concessions he had been forced to make, and a desire to re-establish his authority on the ruin of parliament. The materials upon which the accusation was founded, had been collected during the late visit, and the principal part furnished by Montrose. The actions were equally precipitate and inconsiderate, only the last, was the more flagrant outrage of the two, and furnished a more open display of the violent and unconstitutional methods to which he would have recourse to support his pretensions; it was a more undisguised, and a more clearly detected plot, against the rights and privileges of parliament, and one which is more fully substantiated, for the record remains, and the evidence no apology can explain away;\* and it was a breach of faith, which set at defiance the most solemn obligations, and precluded every idea of safety, while the king retained power.

In the treaty with the Scots, it had been expressly stipulated, “that an act of oblivion should be made in the parliaments of all the three kingdoms, for burying in forgetfulness acts of hostility, whether between the king and his subjects, or between subject and subject, or which may be conceived to arise upon the coming of any English army against Scotland, or coming of the Scottish army into England, or upon any action, attempt, assistance, counsel, or advice, having relation thereunto, and falling out by the occasion of the late troubles, preceding the conclusion of the treaty, and the return of the Scottish army into Scotland, that the same, and whatsoever hath ensued thereupon, whether trenching upon the laws and liberties of the church and kingdom, or upon his majesty’s honour and authority, in no time hereafter, may be called in question, nor recited as a wrong, national or personal, whatsoever be the quality of the person or persons, or of whatever kind or degree, civil or criminal, the injury is supposed

\* Besides the evidence of very outrageous language having been used by the armed attendants of the king, expressive of their desires to inflict vengeance on the commons, it was discovered that on the day the king went to parliament, one hundred stand of arms, two barrels of gunpowder, with match and shot, had been sent from the Tower to Whitehall. Rush. vol. iv. p. 474.

to be ; and that no mention be made thereof, in time coming, neither in judgment, nor out of judgment, but that it shall be held and reputed, as though never any such thing had been thought or wrought." Words could not more strongly convey a complete indemnity for all that was past, and if in the face of this agreement, solemnly ratified, a charge of treason could be brought forward against any person, for any action connected with the Scottish war, what compact or treaty could ever after be considered binding ?

There had been symptoms of returning affection for the king, and as the majority of a nation, unless some strong incitement be constantly applied, soon revert to old habits, and in settled governments, are disposed to rest satisfied, when the more pressing of their grievances are removed. The monarchial principle in the state, although it might not have regained all its former influence, would probably have acquired an ascendancy, and enabled the king, had he acted with caution, to recall a number of the concessions extorted from him ; but deceived by appearances, Charles prematurely attempted to grasp, what time and dissimulation might have enabled him to accomplish. The commons with greater ability, turned the abortive attempt to destroy them, against himself, they raised the cry of breach of privilege, and, actuated either by real or political terror, after voting an address to the king, to procure a guard, in which they could confide, and appointing a committee to meet at Guildhall, adjourned. The city immediately caught the alarm, which they expressed in a petition to the throne, and the whole country became agitated by this attack upon the privileges of parliament. Notwithstanding, however, all this appearance of discontent, the king persisted in his measures against the accused members, and issued a proclamation for their apprehension. Two days after, [January 11th, 1641] discomfited and enraged, the king left Whitehall, with the intention of never again entering it, but as a conqueror\*—he returned a captive !

\* That Charles had fully resolved upon resorting to war, and left the capital, not to muse over his misfortunes, or lament his misconduct, but to meditate upon plans of coercion and revenge, is, I think, satisfactorily estab-

On the day after the king's departure, the parliament met, and the impeached members proceeded in triumph by water, to resume their seats; a number of armed boats accompanied them as a guard, while the river was covered with the smaller barges of the citizens, who attended in their train. Major-general Skippon, marched at the head of some bodies of trainbands, as a guard by land, for the other members. Their first, and most important object of deliberation, was the state of the country. They had received information of the king's hostile intentions, and of lord Digby, and colonel Lansford's warlike appearance before Kingston, in Surry, where the chief magazine for that part of the country was deposited, and, in consequence, ordered the sheriffs of the several counties, to call out the trainbands, and secure their magazines. An order, was, at the same time, sent to colonel Goring, governor of Portsmouth, requiring him not to deliver up the town, nor receive any forces into it, without the authority of parliament. Hull, where arms and ammunition for sixteen thousand men were deposited, was a place of too great importance to be overlooked. Sir John Hotham and his son, were, therefore, instantly sent thither, to take possession, and keep it, under restrictions the same as the governor of Portsmouth. The lieutenant of the tower, and his deputies, were prohibited from sending, or allowing any ordinance or ammunition to be carried out, unless with the king's authority, signified by both houses of parliament, and, as Sir John Byron, the governor, was a suspected character, a guard, both by land and water, was set upon it. On the other hand, the king was drawing around him, or endeavouring to attach to his service, the disbanded officers, and, at Windsor, to which he had returned, he was assembling troops, and providing ammunition.

Connected as the Scots were with England, it was impos-

lished by Mr. Brodie. History of the British Empire, vol. iii. p. 237, et seq. But the facts are so plain, it is astonishing this should ever have been matter of doubt. Mr. B's work, is a valuable performance for those who wish to become fairly acquainted with the period of British History of which he writes, his detections of Hume's misstatements, are particularly worthy of attention.

sible for them to remain neutral spectators of the passing events. Their commission, who saw affairs hastening to a crisis, between the king and parliament, presented a petition or representation, to his majesty, assuring him of the grief with which they beheld distractions increasing between him and his people,—which they attributed to the plots of papists, prelates, and their adherents—and of the obligations under which they were laid by their treaty, to promote a right understanding between them, as well as to confirm that brotherly affection between the two nations, proffered their services for removing all jealousies or mistakes, which had arisen between his majesty and the kingdom of England, and besought him to have recourse to the sound and faithful advice of the honourable houses of parliament, and to repose thereupon, as the only assured and happy means of establishing the prosperity and quiet of this kingdom, and entreated him, in the depth of his royal wisdom, to consider and prevent those apprehensions of fear, which may possess the hearts of his subjects in his other kingdoms, if they should conceive the authority of parliament, and the rights and liberties of the subjects here to be called in question. At the same time they offered their mediation to both houses of parliament. Their negotiations respecting the Irish affairs, they said, having been so interrupted by the emergent distractions, had led them to consider the obligations they were under to his majesty, for the great and recent favours bestowed upon the kingdom of Scotland at his last visit, and his settling the troubles there; the mutual interest of the kingdoms, in the welfare and prosperity of each other, and the gratitude they owed to the parliament of England, for their assistance given to the kingdom of Scotland, in settling the troubles thereof, wherein, next to the providence of God, and the king's majesty's justice and goodness, they acknowledged themselves most beholden to the mediation and brotherly kindness of the kingdom of England; they, therefore, in the name of the parliament and kingdom of Scotland, acknowledging the kindness of the parliament of England, especially in condescending to the king's majesty's coming to Scotland, in the midst of their great affairs,

" Whereof," say they, " we have tasted the sweet and comfortable fruits, and do heartily wish the like happiness to this kingdom, and, as we are heartily sorry to find our hopes deferred by the present distractions, growing daily here to a greater height, and out of sense thereof, have taken the boldness to send our humble and faithful advice to the king's most excellent majesty, for remedying the same, to the just satisfaction of his people, so, out of our duty to his majesty, and to testify our brotherly affection to this kingdom, and acquit ourselves of the trust imposed upon us, we do most earnestly beseech the most honourable houses, in the depth of their wisdoms, to think timeously, upon the fairest and fittest ways of composing all present differences, to the glory of God, the good of the church, and state of both kingdoms, and to his majesty's honour and contentment; wherein, if our faithful endeavours may be any way useful, we shall be most ready, at all occasions, to contribute the same."

The plan pointed out by the Scottish commissioners, which had succeeded in Scotland, and which was the only way left for preventing a civil war in England, did not meet either the king's politics or inclination, his intention was not to rule by, but to rule without a parliament; and he indignantly ordered the earl of Lanark, the secretary, to repair to the commissioners, and let them know, that he expected, before they should have interested themselves in any manner of way, betwixt him and the parliament of England, they would have acquainted him with their resolution, in private, and that for the time coming, he hoped, from the respect due by them to him, and in order to avoid mistakes or disputes, they would in no way engage themselves, in these present differences, without first communicating to him in private, by which means, all jealousies and suspicions might be removed, and they better enabled to do him service. To their communication to parliament, a courteous answer was returned, thanking them for the advice they had given to his majesty, and assuring them, they were much satisfied with that proof of their fidelity to the king, and affection to the state, that what they had done was very acceptable to them, and hoped they would continue their care and endeavours, to remove

the present distractions, as also, to confirm and preserve the union between the two nations.

Soon after, the Scottish commissioners made a proposal for sending two thousand five hundred auxiliaries into Ireland, which was accepted by both houses; but the king, probably from dissatisfaction at their proffered mediation, or jealous of their too close union with the English, objected to their obtaining and garrisoning the town of Carrickfergus, which he alleged, was too great a trust to be committed to an auxiliary; but, at length, rather than alone incur the odium of resisting the only efficient method which had been adopted for the relief of the suffering protestants, and confirm the reports which were universally spread, and generally believed, of his abetting the insurgents, he gave his reluctant consent, and orders were transmitted to Scotland, to complete the arrangement.

The prompt measures of parliament, having frustrated the king's design of seizing the principal fortresses of the country, or obtaining the means for organizing an army, it was determined that the queen, under pretence of carrying the lady Mary to her husband, the prince of Orange, to whom, though quite a child, she had been some time married, should proceed to Holland, to solicit foreign assistance, and raise as much money as she could upon the crown jewels. In the mean time, Charles was to attempt amusing the parliament with hollow compliances, and insincere negotiations; but the numerous petitions presented from every quarter, encouraged parliament to still stronger measures, and the conduct of the king, with whose most secret councils the leaders of the commons were well acquainted, pointed out their propriety.

They had passed a vote, that the kingdom should be put in a state of security, and the king sent a message, requiring them, to present to him, in one complete view, all the causes of alarm, and of the measures that were necessary to remove them; this, which was evidently meant to create delay, was answered by a petition from the lower House, that urged on the crisis; they returned to his majesty, their most humble thanks, for his gracious communication, which they resolved to take into immediate consideration, but as a preliminary,

and to enable them to do so with security, they desired the peers to join with them, in humbly beseeching his sacred majesty, to raise up unto them a sure ground of safety and confidence, by putting the tower, and principal forts of the kingdom, and the whole militia, into the hands of such persons as parliament might confide in, and as should be recommended by both houses. The lords, however, having refused to join in the petition, the commons requested that the forts and the militia, might be intrusted to persons recommended by themselves. In the interchange of petitions—the lords afterwards acceded—and replies that followed, the commons undeviatingly pressed their request, and the king, in able and specious papers—for which he got the credit, but which Hyde, afterwards Clarendon, in reality drew up, and he only transcribed\*—apparently complied, or artfully evaded their desire, till at last, when the question was directly put to him by the earl of Pembroke, Whether the militia might not be granted for a limited time? he unguardedly threw off the mask, and declared, “ No! by God, not for an hour! You have asked that of me, was never asked of any king, and with which I will not trust my wife and children.” With respect to Ireland, he at the same time observed, the business will never be done in the way that you are in; four hundred will never do that work, it must be put into the hands of one. If I were trusted with it, I would pawn my head to end that work, and, though I am a beggar myself, yet, speaking with a strong asseveration, I can find money for that.†

If the king had been sincere in his declarations, and had consented to intrust parliament with the militia, for a limited time, as there would have been no pretext for using it against him, it is clear the concession would have been much more advantageous to himself, than to them, it would have given an air of consistency and truth to all his professions, and thrown discredit on the just fears and suspicions of the commons. But hostilities had been already determined on, and the king was meditating the seizure of Hull, which would

\* Clarendon's Life, vide Brodie, Hist. vol. iii. p. 317.

† Rushworth, vol. iv. p. 555.

have allowed him to assume a warlike and commanding attitude till the negotiations of the queen on the continent, enabled him to commence active operations. He had, previously to his leaving Whitehall, attempted to gain possession of this important depot, by means of the earl of Newcastle, he now expected better success from an attempt in person. Sir John Hotham, who was appointed governor by parliament, was supposed partial to the royal interest, and Charles, reckoning upon gaining him wholly over, advanced with an armed train, having sent a message before him, that he intended to dine with the governor, and requiring that provision should be made for himself and attendants. Hotham, however, contrary to the royal expectation, respectfully declined the honour, and when the king, notwithstanding, approached the town, he found the drawbridges raised, and the garrison arrayed for defence. On demanding admittance, the governor, with many protestations of loyalty, pleaded his duty, and the orders of parliament against admitting any armed force, but offered to receive with welcome, his majesty, the prince, and any twelve of his retainers. With this invitation, the king would not condescend to comply, and after fruitlessly waiting before the gate, from eleven o'clock in the morning, till five in the afternoon, he commanded Sir John to be proclaimed a traitor, by two heralds at arms, and retired to Beverly, whence, next day, he removed to York.

Negotiations between him and the parliament were still continued, he, in the most solemn manner, protesting that he had no intention of resorting to force, or doing any thing to endanger the peace of the kingdom, while he was straining every nerve to hasten his preparations, and they rising in their demands for some additional security, as every fresh failure of his enterprises demonstrated the hypocrisy, and entire worthlessness of his professions. In the month of May, the commons voted, that it appeared that the king, seduced by wicked counsels, intended to make war upon parliament, that whenever he did so, it would be a breach of the trust reposed in him by his people, contrary to his oath, and tending to the dissolution of the government, and that whosoever should serve or assist him, would be traitors by

the fundamental laws of the kingdom, and immediately after transmitted a petition to his majesty, requesting him to disband the horse and foot he had raised, under the pretence of a guard to his person. Charles declared, that God knew his heart abhorred the intention of making war ; but on the 2d June, a small frigate, freighted with ordnance, small arms, and ammunition, arriving from Holland, evinced the truth of his asseverations, and enabled him to complete his preparations for besieging Hull, which he early next month carried into effect. In this attempt he had relied upon the co-operation of the fleet, but the affections of the sailors were alienated, the earl of Warwick, appointed admiral by parliament, was in command, and his majesty, when he had advanced within a few miles of the place, with an army of three thousand foot, and a thousand horse, disappointed of naval assistance, on finding the town prepared for a vigorous defence, retired.

In the midst of their preparations for war, the parliament sent nineteen propositions to the king, his acceding to which might still have prevented the effusion of blood. They were similar in import to the concessions which had been granted to the Scots. Besides the long contested points of nominating the commanders of the forts and the militia, the privy counsellors, and great officers of state, were only to be appointed with the approbation of both houses, and the judges, who were to be responsible to parliament, were to have their patents *quamdiu se bene gesserint*; a reformation of the church government and liturgy, such as the parliament, assisted by a consultation with divines, should advise, was desired, in which the king should contribute his best assistance, in raising a sufficient maintenance for preaching ministers throughout the kingdom, and consent to laws for taking away innovations, superstition, pluralities, and against scandalous ministers; and it was required, that delinquents should be given up to justice. These proposals were received by the king with indignation. "Should I grant these demands," said he, "I may have my hands kissed, I may be waited on bareheaded, the title of majesty may be continued, the king's authority, signified by both houses, may still be the style of your com-

mands, I may have swords and maces carried before me, and please myself with the sight of a crown and sceptre—though even these would not long flourish, when the stock upon which they grew was dead—but as to true and real power, I should remain but the outside, but the picture, but the sign of a king."

Both parties now prepared for war. Proclamations were published by the king, and declarations by the parliament; the first issued commissions of array, which were met by the other with the militia ordinance. The funds for carrying it on, were furnished liberally by the nobility to Charles, the universal zeal of the people, seconded, and almost anticipated the calls of their representatives. Neither of them respected the supplies appropriated to the relief of Ireland, but his majesty seized for his own use, the provisions, military stores, waggons, and carriage horses, while the parliament only borrowed a fourth of the sum voted for that service. The first blood was shed at the siege of Hull, and on the 25th of August, 1642, the royal standard was raised at Nottingham. A gloomy sadness covered the whole town, when this portentous signal was erected, and the hearts of the royalists were filled with dismal forebodings, as a furious tempest that same night laid it prostrate, and prevented its being again reared for several days.\*

Every step that was taken in England, was viewed with the most intense interest in Scotland. Proceedings so similar to what had agitated their own country, would always have engaged their attention, even although the crowns had been separate, but when involving the fate of their own newly acquired liberties, and when the same monarch, whom they had detected and defeated in his insidious or open attempts against themselves, was playing the same game with their neighbours, they became more immediate objects of concern; the universal opinion was, that if the king obtained his purpose, he would not observe what he had already granted them so unwillingly, but would seize the first opportunity of annul-

\* Clarendon's Hist. vol. ii. p. 720. Rushworth, vol. iv. p. 782, dates it the 22d.

ling their constitution, both in church and state, and wreaking his vengeance on those who had been chiefly instrumental in procuring its establishment.\* They had already made an unsuccessful attempt at mediation by their commissioners, and in May, the chancellor was sent up by the council to his majesty at York, to renew the offer, but he found the king altogether indisposed for hearkening to any conciliatory advice, and instead of being employed in the object of his mission, he was ordered to return to Scotland, to represent to the privy council, all the insults and injuries his majesty had received from his English parliament, the encroachments they had made on his just and legal prerogative, and require them to send, by commissioners to that body, a declaration of the sense they entertained of the wrongs done him.

At Loudon's return, a privy council was summoned, to which a number of the nobility, who were considered as most strongly attached to the king's party, were specially invited. The English parliament, who were afraid of the effect that the *ex parte* statements of Charles might have on his Scottish council, procured that Warriston should be sent home, to communicate to them how matters really stood, and represent the necessity, as well as equity, of their proceedings. Upon this meeting of council, all eyes were turned. Kinnoul, Roxburgh, and the friends of the court, known then by the name of banders, having resorted to the capital, accompanied by numerous vassals, occasioned suspicions that some improper design was in agitation against Argyle, who was but slenderly attended. In consequence, the gentry of Fife and the Lothians hastened to Edinburgh with their retainers, and effectually prevented any attempt. The high royalists, who had expected to carry a strong motion in the council against the English parliament, finding an opposition they had not reckoned upon, let it drop, and a petition, numerously signed, and presented by the ministers, praying that nothing should be enacted prejudicial to the work of reformation, and the treaty of union between the two nations, having been fav-

\* Burnet's Memoirs, p. 196. May's Breviary, p. 84.

ourably received, the king's pleasure was signified, that the council should not interfere at all in the business.\*

The marquis of Hamilton, who arrived at York soon after the departure of the earl of Loudon, likewise attempted to effect a reconciliation between the king and the parliament, but the king was so exceedingly exasperated, and so much chagrined at the concessions which had been wrung from him, that Hamilton gave up the hopeless task of endeavouring to persuade him, and with pernicious policy, subscribed for the maintenance of threescore horse, to carry on the war.†

Divided in his attachment, the marquis did not enter fully into the schemes of either party, and not being possessed of that powerful, commanding mind, which enables a man of extensive property and influence, in times of civil distraction, to assume the decisive tone of an authoritative mediator, he sunk into the doubtful, unpleasant, uninfluential character of a trimmer. Having obtained the king's permission to come to Scotland, he found his visit to York had rendered him suspected by his countrymen, who were justly apprehensive from the experience they had had of Charles, that his respect for their institutions would only continue till the subjugation of the English should enable him to overthrow them. The emissaries from England, now performing the same part their own had done, when the rights of Scotland were invaded, cherished this spirit, and warned them against aiding in the destruction of their liberties, as that would only be preparatory to the ruin of their own. Hamilton, who had no means of counteracting the inclination, and what he must have seen was the interest of the nation, informed his majesty of the state of the country, and that he could be of no great use to his service, but proposed to procure an invitation from the whole kingdom for the queen's return, which, as the uxorious monarch had given her an unwarrantable promise, to hearken to no terms of reconciliation, nor to receive into his confidence or favour, any person during her absence, appeared the only

\* Guthrie's Memoirs, pp. 115, 116. Baillie, vol. i. p. 357.

† Burnet's Memoirs, p. 194.

way of commencing a negotiation for settling the peace of England, with any hopes of success.

About the same time, [on the 27th July,] the general assembly met at St. Andrews, and the king and parliament were both equally anxious to secure its support. Dunfermline, who was appointed commissioner, delivered a flattering letter from the king, expressing his desire, as “God’s vicegerent, who hath made us a king over divers kingdoms,” to govern them only by their own laws, and the kirks in them by their own canons and constitutions, and where any thing was found amiss, promising to endeavour a reformation in a fair and orderly way, or where a reformation was settled, to maintain and defend it in peace and liberty, against all trouble from without, and all heresies, sects, and schisms, arising within.” Then, after recapitulating the good deeds he had already performed, he proceeds, “We have also commanded our commissioner to receive from you your just and reasonable desires for what may further serve for the good of religion, that taking them to our consideration, we may omit nothing which may witness us to be indeed a nursing father of that kirk wherein we were born and baptized, and that if ye be not happy, you may blame not us, but yourselves.” After expressing his belief, that in thankfulness for their present estate and condition, they would abstain from every thing that might make new disturbance, he concludes by asking, “And now, what do we again require of you, but that which otherwise you owe to us as your sovereign lord and king, even that ye pray for our prosperity, and the peace of our kingdoms, that ye use the best means to keep our people in obedience to us and our laws, which doth very much, in our personal absence from that our kingdom, depend upon your preaching, and your own exemplary loyalty and faithfulness, and that against all such jealousies, suspicions, and sinister rumours, as are too frequent in these times, and have been often falsified in time past, by the reality of the contrary events? That ye judge of us and our professions by our actions, which we trust through God, in despite of malice, shall ever go on in a constant way for the good of religion,

and the weal of our people, which is the chiefest of our intentions and desires?"

The assembly took him at his word; they judged of him by his actions, and not by his professions. They had seen him lord it over "that kirk in which he was born and baptized," and instead of a nursing father, he had produced that very extremity, which our great reformer, in his debate with Lethington, supposed might occur, when dutiful children could only find safety, by binding the arms, and taking the sword from the hands of an infuriated parent. Their behaviour was, however, respectful, but they could not express a confidence they did not feel. They received with more satisfaction, the communications of the English parliament, who transmitted them a copy of their petition to the king, expressive of their wish to prevent the effusion of human blood, and their earnest desire to avoid a civil war. On purpose that they might perceive how similar their minds were to that of the Scottish nation under similar circumstances, they informed them, also, of their ardent zeal for a due reformation in church and state, and of the interruption their labours had experienced from the plots and practices of a malignant party of papists and ill affected persons, especially the corrupt and dissolute clergy, by the incitement and instigation of bishops, and others, whose avarice and ambition, not being able to bear the reformation endeavoured by the parliament, had laboured to kindle a flame, and raise a combustion within the bowels of the kingdom, which if their humble supplication to his majesty should happily prevent, they expressed their confidence, on the return of peace, of being able, by the blessing of Almighty God upon their endeavours, to settle matters, both in church and state, to the increase of his majesty's honour, the peace and prosperity of the kingdom, and especially to the glory of God, by the advancement of the true religion, and such a reformation of the church, as should be most agreeable to God's word.

The declaration of the English parliament was seconded by a letter from some ministers of England, affirming it to be the desire of the most godly and considerable part among them, that the presbyterian government, which hath just and evident

foundation, both in the word of God and religious reason, might be established among them, and that they should have one Confession of Faith, one directory of worship, and one form of church government. “The design,” they acknowledge, “hath enemies on the left hand, and dissenting brethren on the right, but as their hearts justified them, they did not doubt but the work would receive the hoped for issue.” The views which the Scottish church had, in so anxiously wishing for a unity and conformity of ecclesiastical polity throughout the island, are expressed in their answer to the ministers’ letter, “Without it,” they say, “we cannot hope for any long time to enjoy our purity and peace, which hath cost us so dear, and is now our chiefest comfort, and greatest treasure, which one cause, beside the honour of God and the happiness of the people of God in that kingdom, more desired of us than our lives, is more than sufficient to move us to contribute all that is in our power to bring it to pass.”

The grand enemy with which they had hitherto combated, was prelacy, to which their antipathy was both natural and justifiable, and their desire to see it removed from England, was a necessary consequence of the long continued oppressive efforts to introduce it into Scotland, and the dread which the assembly entertained of these being renewed, if the hierarchy were suffered to remain in their sister kingdom. The invitations of parliament encouraged them to revive the policy of uniformity, upon the grounds of cementing the civil, friendly, relations of the two countries. “For what hope they ask,” in their reply, “can the kingdom and kirk of Scotland have, of a firm and durable peace, till prelacy, which hath been the main cause of their miseries and troubles, first and last, be plucked up root and branch, as a plant which God hath not planted, and from which no better fruits can be expected, than such sour grapes, as this day hath set on edge the kingdom of England?”\* The communication from the ministers, persuaded them that, “The prelatrical hierarchy being put out of the way, the work would be easy, without

\* Printed Acts, 1642, p. 14. Rushworth, vol. v. p. 388, 390.

forcing of any conscience, to settle in England the government of the reformed kirks by assemblies."

In their supplication to his majesty, taking advantage of his expressions, commanding his commissioner to receive their just and reasonable desires, for what may further serve for the good of religion, they took the liberty of presenting for his consideration, "one thing, which for the present was the chiefest of all their desires, as serving most for the glory of Christ, his own honour, and the good of religion throughout all his dominions, the unity in religion, and uniformity of church government, which had been introduced by the Scottish commissioners at the late treaty, and favourably listened to by his majesty." They informed him that they had pressed this point in their answer to a declaration from the two houses of the English parliament, and humbly and earnestly begged that his majesty, in the depth of his royal wisdom, from affection to true religion, and the peace of his kingdoms, might be moved to consider the God of heaven and earth, as calling for this reformation at his hands, and that as he was his vicegerent, so he might be his prime instrument in it.

To show their sense of the importance they attached to this subject, they appointed lord Maitland, "having certain knowledge of his worth, ability, and faithfulness," to present this humble supplication to the king, and carry their answers to the English parliament, and the ministers in London; they wrote likewise to the Scottish commissioners, desiring them to use every lawful mean to forward the same desirable end. They desired their moderator and commissioners, to supplicate with all earnestness and respect, the lords of the privy council, and the conservators of the peace, for their concurrence with the kirk, in their addresses to his majesty and the legislature of England; they appointed all the ministers, to remember in their public prayers, the success of this important object, appointed a fast, to implore the blessing of God upon their exertions, to obtain, as the chiefest of his mercies, national uniformity in religion, and, in order to prevent any relaxation of exertion, they nominated "a commission, for public affairs of the kirk," to sit during the intervals of the assemblies, to use all ecclesiastical ways for further-

ance of so great a work, and keeping a brotherly correspondence between these kirks.

What the zealous covenanters had longed for, and aimed at, now beamed above their horizon, but as the prospect of realizing their hopes increased, their minds, instead of expanding, contracted with their success, all their ideas converged into one focus, and the concentrated brightness of the divine right of presbytery, was surrounded by a dim obscure halo, beyond which, the dazzled eye saw no object distinctly; they could perceive neither light nor glory without the sacred circle, nor could they imagine, that either existed under any other form. Their efforts were not so much to extend the influence of truth, as to extend it in their own particular mode; and they were surprised that others should not acknowledge the superiority of the system, of which they were so much enamoured. To this sincere, but contracted spirit, is to be attributed the severity with which they opposed every approach to independentism, and which led some good men to shrink from the thought of toleration, even among protestants. At the assembly, innovations, or meetings for mutual exhortation among private christians, still annoyed them, and the moderator, in his concluding address, warned the ministers against such schismatical conventicles—in less than twenty years, the presbyterians fought for a similar right !!\*

In their reply to the English ministers, they take no notice of the dangers which threatened presbytery, from their dissenting brethren, assuming it as an indisputable position, that there could be no conscientious objections to its introduction;

\* The west country, Ayrshire in particular, the seat of the Scottish Lollards, seems also to have been the seat of the first Scottish Independents. Six or seven ministers in Ayr, and two or three elsewhere, defended their principles in opposition to the Assembly, “some of them,” says Baillie, “are very heady, yet we are comforted that they increase not in number. The excesses of some of their followers, who have fallen into rigid Brownism, in whole, does very much scar good people from that way.” Edinburgh, also, as formerly noticed, was infected with this “schism,” and about the same time, a gentleman, of the name of Gearnes, had adopted and propagated their tenets, which occasioned the presbytery to publish an admonition against them. It was read from all the pulpits within their bounds. Baillie, vol. i. p. 349.

but, as a number of the leading covenanting nobility attended this assembly, and the proportion of ministers, on account of the expense of travelling, was rather smaller than usual, it is more than probable, that the political view of the case, had as much influence as its spiritual import, on the proceedings respecting ecclesiastical uniformity. It is pretty evident the English parliament saw the communication in this light, and their answer was judiciously calculated to ensure the good-will of the Scots, without committing themselves to the entire adoption of their rigid and exclusive system.

They "acknowledged the great love and brotherly affection of the church of Scotland, in their desires for unity of religion, and although they perceived the difficulty of obtaining one form of church government in all his majesty's dominions, yet they hoped to be so directed, as to cast out whatsoever was offensive to God, or justly displeasing to any neighbouring church, and so far agree with their brethren in Scotland, and other reformed churches, in all substantial parts of doctrine, worship, and discipline, as to enjoy those advantages and conveniences, mentioned in their answer, in the more strict union of both kingdoms, and more free communion in all holy exercises and duties of worship ; and, to obtain this, they had passed a bill for calling an assembly of learned and godly divines, which long since had taken effect, could they have obtained the royal consent to it. But the main cause which had hitherto deprived them of the great advantage which they might have had from a close union with the church of Scotland, and other reformed churches, they perceived, was the government by bishops, the cause also, of many other calamities, dangers, and intolerable burdens, being a dishonour to God, by arrogating to themselves a pre-eminence which he had not given them ; by profaning the purity of his ordinances with a mixture of their own injunctions ; by corrupting the ministry with pride, ambition, covetousness, idleness, and luxury ; by suppressing the spiritual power and efficacy of religion, and turning it into formality and pomp ; by inclining to popery, the principles thereof being suitable to that government, and contrary to those principles which were the first grounds of reformation. They

likewise found it most pernicious to the civil state and commonwealth, in that, the bishops had ever been active to infuse into their kings, such tenets and positions, as are contrary to the fundamental laws of the kingdom, and apt to introduce tyranny, and an arbitrary power, over the lives, liberties, and property of the subjects, for all which, and many other reasons, they, therefore, had declared, that this government, by archbishops, bishops, their chancellors and commissaries, deans and chapters, archdeacons, and other ecclesiastical officers depending upon the hierarchy, was evil and justly offensive, and burdensome, a great impediment to reformation and the growth of religion, very prejudicial to the state and government of this kingdom, and that they are resolved to take it away." They concluded, by inviting the church of Scotland, to send to the proposed assembly, some of their learned and godly ministers. This communication, so grateful, was delivered by Maitland to the commission, and they immediately proceeded to choose the delegates, who afterward met with the assembly of divines at Westminster.

The king, in an address to the council, professed himself as ready to promote uniformity in church government throughout his kingdoms, as they were to desire it, only in such a way, as, in his conscience, he conceived to be best for the flourishing estate of the protestant religion, but declined the proposition for concurring with the two houses of parliament, as they had never made any proposals to him on the subject, and, at the same time, declared his belief, that so far from desiring any such unity, the principal persons among them, and those who made the fairest pretensions, would as soon embrace presbytery, as they themselves, would episcopacy; that nothing was less in their minds, than the settling of true religion, and reforming such abuses in the church government, as might possibly have crept in, contrary to the established laws of the land, to which he, so far from being averse had, though to little purpose, frequently pressed them to attend. Yet whenever any propositions should be made to him, by them, which he should conceive, might in any way advance the unity of the true protestant religion, according to the word of God, or establish the church government, ac-

cording to the known laws of the kingdom, he would then, by his cheerful concurrence, let the world see, that nothing could be more acceptable unto him, than the furthering and advancing of so good a work. The strain of this letter, convinced the presbyterians, that they had nothing to expect from his majesty, whose predilections were all on the side of episcopacy, and whose will would define the law, whenever he should have the power. It was laid aside by the commission, and tended to unite them more cordially with the English parliament, of whose integrity they had no doubt.

Affairs now demanded decisive measures, and as war had been openly declared by the king, the council, in compliance with the general wishes of the people, ordered the chancellor to convene the conservators of the peace. The commissioners, having about this time, also returned from England, the council despatched the earl of Lindsay, and Sir John Smith, thither to manage their correspondence with the parliament. Having informed the king of these circumstances, he expressed his high displeasure, at the last especially, for he alleged, if the deputies from the council, were sent in virtue of the act of parliament, empowering them to send commissioners to treat, they were not a quorum; if, by their own authority, he desired to know how they presumed to do so, without his orders? Yet, to prevent any misunderstanding, he allowed them to go, that they might watch over the observance of the treaty. He also sent the earl of Loudon, his royal warrant for assembling the conservators of the peace. The marquis of Hamilton, who had not publicly declared himself, had been tampering with the marquis of Argyle, and the chancellor, in private, and had persuaded them so far to trust the royal solemn asseverations which accompanied his majesty's expressed wishes for peace, that they were willing to second his proposed attempts at negotiation with the parliament. The conservators likewise, were favourably inclined, and, at their meeting, were still further disposed to confide in the court, by a plausible letter which Lanark brought from his majesty.\* Referring to his

\* Murray of the bedchamber, afterward earl of Dysart, was sent to Scot.

late actions in Scotland, he appeals to them as witnesses to all posterity, of his care in preserving the liberty of his subjects there, and his desire to settle perfect peace in that kingdom; and his acts since the assembling of the English parliament, will, he says, bear like testimony to his affection to that nation, though his success had not been alike; for though he had used his utmost endeavours to prevent these distractions, yet he could not prevail upon his opposers to enter, even into a treaty, except upon conditions, which would have totally deprived him of all power, and forced him to sacrifice his best servants:—“ Yet so desirous are we to save our subjects’ blood—which cannot but be prodigally spent, if we be necessitated by force of arms, to decide these unhappy differences—that no sooner any such treaty shall be offered unto us, by them, which, with honour and safety, we can receive, but we shall cheerfully embrace it. This we have thought fit to acquaint you with, that from ourselves, you may know our love to peace, and we doubt not, but your meeting at this time, will produce something which will witness your tender respect to our honour and safety, and so much do we confide in your affections, as we shall absolutely leave the ways and means of expressing it to yourselves.” A respectful answer was returned to this communication.

Without expressing any opinion respecting the differences between him and the English parliament, they adopted the suggestion of Hamilton, and proposed to invite the queen to return and mediate, as they conceived the parties would

land by Charles, to assist Hamilton in his intrigues with the Scottish nobility. In his letter to the earl of Lanark, respecting the state of the country, he tells him: “ His majesty must expect in point of religion, to be pressed for uniformity in church government; and, if his majesty may be moved to publish some handsome declaration, satisfactory in that point, it would infinitely advance all his affairs in this country, and, from hence have a prompt influence on that.”

“ The parliament hath gained much here, by their last vote, and there is a very fine answer expected to their last message, sent by the lord Maitland, which will extraordinary confirm the former correspondence. If the king do not something plausible, in the same kind, timeously and unconstrained, the two kingdoms will shut upon him in despite of what his best servants can do.” Burnet’s Memoirs of the dukes of Hamilton, p. 198.

hardly be reconciled, so long as her majesty was at so great a distance. This request was signed, not only by all the lords in the interest of the court, but by Loudon, Argyle, Warriston, Alexander Henderson, and the chief leaders of the covenanters; in it, they pledged themselves to protect her majesty's person, and secure the free exercise of her religion, for herself and family, and cordially join with her, in mediating a peace between the king and the two houses, and they obliged themselves to support the king, if it were rejected by them. This proposal, which Charles encouraged, with a view to preserve the neutrality of the Scots, till the event of the campaign might in some degree be apparent, was considered by the conservators so reasonable, that, anticipating no objection, they had designated Hamilton, as their ambassador, to proceed to Holland, and escort the queen to their country; but he, who could never seriously intend to comply with it, no sooner saw his prospects begin to brighten after the battle of Edgehill, than, under pretence of being afraid to hazard her person, he rejected the offer. At their next meeting, the affectionate zeal of the conservators was much cooled, by the king's want of confidence, yet, still they persevered in their endeavours to mediate, and wrote for a safeconduct, for such commissioners as they should send to England for that end. On purpose to prevent any bad effects from the chagrin which the refusal of their offer had occasioned in Scotland, the king, at the request of Hamilton, sent his brother, Lanark, who had carried the conservators' request to court, to assist in managing the covenanters, and, along with him, an assurance to the duke, of his determination to make no concession. "I have set up my rest upon the justice of my cause, being resolved, that no extremity or misfortune, shall make me yield; for I will be either a glorious king, or a patient martyr, and, as yet, not being the first, nor at this present apprehending the other, I think it now no unfit time to express this, my resolution unto you."

Early in the month of November, the two houses, when the royal party was becoming every day apparently more formidable, emitted a declaration, addressed to the subjects

of Scotland, intimating, that as they had formerly expressed their opinion of the national alliance by which they conceived themselves bound to apply the authority of parliament, and power of the kingdom, to the maintenance of their peace, so now the same obligation lay upon them by the same treaty, to assist in repressing those who were in arms, not only without the consent, but even for the destruction of the English legislature. They therefore informed them, that his majesty had given commission to several eminent and known papists, to raise forces, and compose an army in the north, and other parts of the kingdom, to join with divers foreign forces, intended to be transported from beyond sea, for their ruin, and the ruin of liberty and religion, and desired the Scottish people to raise a force for the protection of their own borders, as well as to assist their brethren.\* This declaration, which was delivered to the earl of Lindsay, the Scottish commissioner at London, instead of being directly forwarded to Scotland, was immediately transmitted by his lordship to the king, and suppressed till the meeting of council, after Lanark's return,† who brought with him a counter declaration from his majesty, narrating in strong language, the indignities and outrages which he had suffered from his subjects, after all the acts of justice, grace, and favour performed on his part, which were as well adapted as could be desired, to make a people completely happy, and expressing his satisfaction, "that this rage and fury had so transported them, as to make them apply themselves in so gross a manner to our subjects of Scotland, whose experience of our religion, justice, and love of our people, will not suffer them to believe these horrid scandals laid upon us!" He mentions the many ineffectual attempts he had made to prevent the miseries of civil war by treaty, which had been defeated "by a parliament, which were yet no parliament, as it consisted of not more than eighty of the house of commons, and fifteen or sixteen of the house of peers, so awed by the multitude of anabaptists, Brownists, and persons of

\* Rushworth, vol. v. p. 594.

† Baillie, vol. i. p. 553. Burnet's Mem. of Dukes of Hamilton, p. 204

decayed and desperate fortunes, that their consultations had not the freedom and privilege which belongs to parliaments." Then, after denying that he had granted commissions to papists, or intended to bring in foreign troops, for the falsehood of which charges, he refers to his own proclamations. He sums up the whole thus : " No reasonable or understanding man, can suppose our good subjects of Scotland are obliged, or enabled by the late acts of parliament of both kingdoms, to obey the invitation which is made to them by this pretended declaration, when it is so evidently provided for by that act, that as the kingdom of England shall not make war against the kingdom of Scotland, without consent of the parliament of England, so the kingdom of Scotland shall not make war against the kingdom of England, without the consent of the parliament of Scotland ; and when they have always declared themselves so careful of our honour, safety, and just rights, which now undergo so great violation."

A declaration so palpably insulting as the king's, assuming as facts, what every well informed man in Scotland knew to be false, and what the leading covenanters, in so far as Scotland was concerned, had repeatedly declared to be so, was no less unblushingly untrue with regard to England. It was of course to be expected, that either the council would not allow it to be published, or publish the English parliament's declaration along with it. Accordingly, after both had been read, when the marquis of Hamilton, who had again separated from Argyle, proposed that the king's declaration should be published,\* Balmerino replied, it would be officious to do so, the parliament had not desired theirs to be published, and it was injustice to publish the one without the other. The marquis asked, was that because they owed as much to the parliament, as to the king ? and Lanark added, he had a

\* Burnet mentions an intercepted correspondence of "one Pickering," an agent from England, which represented the marquis of Hamilton as the chief opponent to the parliamentary cause in Scotland, and recommended that he should either be summoned to the house of peers, or accused as an incendiary. The particular nature of the plot to which this refers, is not mentioned. *Memoirs*, p. 204.

command from the king for it. Argyle answered, they sat there to good purpose, if every message to them was a command. The marquis, who perceived the disputants about to get into personalities, interrupted them, by saying the vote was to be stated obey, or not obey. That, Balmerino remarked, was the bishops' way of proceeding, to procure orders from the king, without advice, and then charge all who offered better counsel with disobedience. To what then, asked the marquis, did they mean to reduce the king's authority, if he might not remove by his declaration, the aspersions that were cast on his person and government? Were they afraid his subjects would have too good an opinion of him, if he were heard for himself? On which the council divided, some were for printing both, and some for printing neither. At length a majority carried to print the king's, but not that of the parliament.

It was then moved to take them both into consideration, which was strenuously opposed by Balmerino. The parliament of England, he said, had taken time in drawing up their declaration, nor had the king's advisers been in a hurry to answer it, and if we shall discuss both in a few hours, "we were pretty fellows, i' faith," which he sarcastically repeated twice. The marquis, who recognized the king's expressions, got irritated, and the debate became long and stormy, and ended without their coming to any conclusion, except that of acting in separate distinct parties—the covenanters, at the head of which stood Argyle and Balmerino, and the trimmers, at the head of which was placed Hamilton and his brother.

When the determination of the council, to print the king's letter alone, was made known, and it was also announced that Lanark had further instructions to deliver to them, a suspicion very generally arose, that these were to procure a warrant for levying an army, the first employment of which would have been to crush the patriots. To prevent this, the gentlemen of Fife, and the adjacent counties, accompanied by the ministers, hastened to Edinburgh, and with the advice of the church commissioners, drew up a petition to the conservators of the peace, to interfere, and procure that the

parliament of England's declaration should be printed, as well as the king's letter, and that it might be declared that the warrant which the council gave for printing the latter, should not be counted as conveying any approbation of its contents. Similar petitions were presented from several of the counties and presbyteries, and when Lanark perceived how the popular tide was likely to run, he produced in council another letter from the king, which he had hitherto kept back, but reserved for such an occasion, allowing that the publication did not amount to an approbation of his majesty's paper. The council immediately ordered the publication of both.

Hamilton, who, since his rupture with Argyle, had renewed his intimacy with Traquair, when he saw the spirit of the country roused, afraid that the number of petitioners might influence the council to return a favourable answer to the English parliament, concerted with him a petition, which, from its being intended completely to counteract the other, received the name of "the cross petition." It contained, as all the royal state papers of that day did, the strongest expressions of a desire to promote the very objects they were labouring to destroy—the unity of religion and church government in both kingdoms; and prayed, for this purpose, that they, in their answer, should not adopt any measures hostile to the greatness or authority of the king, or unworthy of that loyalty which, as Scottish subjects, they owed to their native sovereign, on the supposition that they were placed in any other condition, in regard to the necessary duties of subjection and obedience to their prince, than their ancestors had been for many ages before the existence of the covenant, the late acts of parliament, or their engagement with England; that they would not promise any thing which might trouble or molest the peace of this kirk or kingdom; that they should render heartily and freely, without respect of worldly or secondary considerations, to Christ, what was Christ's, and to Cesar, what was Cesar's; and as nothing would more diminish his majesty's greatness, than to consume the kingdom in a civil war, so nothing would conduce more to the suppression of insolent papists, malignant, schismatic, and disloyal Brown-

ists, who are the chief instigators of it, than decidedly to support the royal cause. A number of the nobility, and all Hamilton's adherents, signed the petition, but notwithstanding the specious manner in which it was framed, to flatter the ruling passions of the day—uniformity, and the destruction of schism—none of the ministers could be prevailed on to give it the sanction of their names. The council received it with that courtesy which is due from constituted authorities to every respectful petition presented decorously by the lieges, and replied they would be careful to proceed in such a manner as they could be answerable for. But the commission of the church gave in a severe remonstrance, and transmitted a declaration against it to the different presbyteries, which they appointed to be read from all the pulpits; and this abortive attempt to induce the council to declare for the king, excited the friends of the parliament to declaim against a detestable neutrality.

There can be little doubt but that the majority of the Scottish nation were averse to war with the king, and that they were sincere in their attempts to promote an accommodation between the English parliament and his majesty, but circumstances had now so much changed, that it was as impolitic, as it would have been impossible for them to act as mediators, unless they had been in a situation to support their award by the sword, the final, and most convincing argument in all such cases. They however, tried every method in their power to avoid this ultimate appeal. The conservators of the peace who met in September, proposed to send commissioners into England, to mediate between the king and the two houses, and applied to the king and to the parliament, offering their services, and desiring from them respectively, safeconducts for such as should be employed in that negotiation. The king declined sending a safeconduct, as he was at all times ready to afford a safe and free access to his person to any of his good subjects, but offered a pass to protect them from any danger they might dread from the armies. The parliament, without hesitation, sent them a respectful answer, commanding them for their wisdom and brotherly affection, accompanied by a blank safe-

conduct for whoever they might choose, excepting only the duke of Lennox, and earl of Roxburgh, as being both delinquent.

In the month of November, the conservators renewed their request to the king, through the medium of Lanark, the Scottish secretary of state, who brought with him to Scotland, a full and satisfactory safeconduct for the commissioners and their servants, to repair to court, or to parliament, or any part of the kingdom of England, but excepted from it, lord Warriston, and Sir Thomas Hope of Kerse. The council named as their commissioners, the earl of Loudon, the earl of Lindsay, Warriston, and John Barclay, provost of Irvine. The church commission, also sent instructions to enforce religious uniformity, the charge of which, they intrusted to the earl of Loudon, and Mr. Alexander Henderson. The Hamilton party, objected to Warriston, and the others acquiescing, although named in the commission, he did not proceed with the rest. Their attempt to prevent Loudon, to whom they were equally averse, either from undertaking a journey to court, or to paralyze his opposition to the measures of the court, was more covert, but more odious, as being made under the guise of patriotism. He had purchased from the king, a right to the annuities arising from tithes, confirmed to the crown by the parliament, which had been drawn by the preceding chancellor, without molestation, and had never been considered as either improper or oppressive. A petition to the king, was now prepared for the remission of this tax, to which was annexed a declaration of loyalty as a mark of gratitude for so great a favour. This petition was intended to serve one of several purposes, as a bond of union among the Hamiltonian faction if gained, if lost, to make them appear as the thwarted benefactors of their country, and their opponents, as oppressors; or to deter Loudon from performing his duty, by the fear of being deprived of this revenue. It was readily signed by numbers of the nobility, and, even some of the council, landholders, interested in the removal of the exaction. The other party, perceived themselves placed in a situation, delicate and embarrassing, from which they were extricated by the adroitness of Argyle

he complained of the irregular conduct, of members of the council petitioning the king in any other, than the common legal manner, and through terror of censure, obliged them to withdraw. The burghs, who had less interest in the cause, were easily induced to refuse signing a petition, the intent of which, was to create division among the friends of the country, and materially injure one of their most upright supporters, by defrauding him of an income, to which he was fairly entitled, and a complete majority was obtained, by the council assuring their countrymen, that they would in a body petition, either for a remission of the annuity, or its entire appropriation to pay his majesty's debts, and at all events, the most effectual means would be adopted, to get it regulated or abolished by next parliament.\*

What tended greatly, at this period, to divide Scotland, was the indecisive nature of the military operations, which winter had suspended. The high royalists were encouraged to intrigue, by the apparently favourable aspect of the king's affairs, while the covenanters were hesitating, from the idea, that there was still a possibility of an amicable adjustment between the parties; that, as his majesty had conceded so much to themselves, he would be induced to comply with what they considered the reasonable requests of his people, his advantages not being of such a nature, as to ensure implicit obedience.

A short retrospect of the campaign, is necessary to enable us to understand the position and pretensions of the different parties, at the time the Scottish commissioners reached Oxford. When the royal standard was erected at Nottingham, the concourse of adherents was exceedingly small, and had the parliamentary forces entered immediately upon action, it would have been impossible for any successful resistance to have been opposed, and several of the nobility, still anxious to prevent a civil war, urged strongly the necessity of making another attempt to avert it. Charles, although determined that it should be unavailing, acceded to their request, and sent a message by the earl of Southampton, to the lords, and Sir John Cui-

\* Burnet's Memoirs, p 211, 212. Baillie, vol. i. p. 355, 357.

pepper, and Sir William Usdale, to the commons, with proposals; but the parliament replied, that until he took down his standard, and recalled his proclamations, denouncing them as traitors, they could not treat. He denied any intention of declaring the parliament traitors, and promised, if their proclamations against delinquents, were recalled, he would recall his. But the negotiations soon broke up, and a contest of proclamations and declarations succeeded. Meanwhile mutual levies were going forward, and in no long time, the royalist army, amounted to ten thousand foot, and between three and four thousand horse. Princes Rupert and Maurice, second and third sons of the late king of Bohemia, who had offered their services to their uncle, had each of them, high commands, under the earl of Lindsay, appointed general, and a trifling advantage gained by prince Rupert, in a defile, elated their spirits, and brought accession to their numbers. The parliamentary forces, amounted to about fifteen thousand men, commanded by the earl of Essex, under whom, Hampden, Hollis, and other eminent men, served as colonels.

Before commencing hostilities, the parliament made a final proposition to the king, to disband his army, dismiss his evil counsellors, and return to his parliament, who would also dissolve their forces. His majesty rejected the proposal, and marched towards London. Essex followed, but although not twenty miles distant, they, for ten days, continued ignorant of each others' motions, till about midnight, on the 22d of October, the king received intelligence of the enemies' approach. In his anxiety to interpose between the royal army and London, Essex had left great part of his force, with their artillery and baggage, a considerable way behind. The king, who hoped to defeat the advanced body, before the other could join, resolved to give battle. The numbers are not exactly ascertained, but the lowest estimate of the royalists, is upwards of twelve thousand, and no statement makes their opponents exceed ten. They encountered each other at Edgehill, near Keinton, in Warwickshire, and after an obstinate engagement, in which above five thousand men fell, each claimed the honour of a doubtful victory. Next day,

Essex marched to Coventry, and the king proceeded to Oxford. Prince Rupert pushed forward with flying parties of cavalry, and carried his devastations so near London, that the parliament ordered their general to advance for the protection of the city. In obedience to their directions, he arrived in the neighbourhood, and quartered his army in the adjacent villages.

Secured against a surprise, the parliament, anxious to stop the further effusion of blood, agreed upon a petition for peace, which was presented to his majesty at Colebrook, by the earls of Northumberland and Pembroke, lord Wenman, Mr. Pierrepont, son of the earl of Kingston, Sir John Evelyn, and Sir John Hippesley. The king protested before God, he was grieved for his people's sufferings, and, in order to an accommodation, was willing to reside near London, and receive such propositions as they should send. But no sooner were the parliamentary messengers returned with their answer, than he broke up, and marched towards London, under cover of a thick fog. He reached Brentford unperceived, where the artillery of his opponents was stationed with only a very slender guard, which he immediately attacked, and would have succeeded in dispersing the force, capturing the artillery, and perhaps reaching the capital without interruption, had not the resolute conduct of two regiments of foot, under Hampden and Hollis, supported by a small body of horse, allowed the artillery time to escape, and prevented the advance of the king's troops, till night separated the combatants, both, as before, claiming to be conquerors.

Accounts of this unexpected attack, were soon brought to London, and all the troops in the vicinity, being hastily collected, together with the trainbands of the city, a force of twenty-four thousand men, in high spirits and order, were ready early on the following day, to march against the enemy. The caution of some of the mercenary officers, preserved the king's army from paying the penalty forfeited by his breach of honour. It had been proposed to send a detachment to attack him in the rear, while the main body assailed him in front; but when Hampden was already on his march to carry the first part of the plan into execution, the advice of the

old soldiers, that the scheme was hazardous, and that the army had already acquired sufficient glory, prevailed, and an express was sent to countermand the orders, which was reluctantly obeyed, and the road to Oxford, left open for the retreating force, whose want of ammunition, it was afterward understood, would otherwise have compelled them to yield a bloodless victory.\*

An action so utterly at variance with all his majesty's solemn declarations of a wish for peace, was loudly exclaimed against by the city of London, who, in a petition to the parliament, entreated they would proceed no further in the business of accommodation, because evil counsel was so prevalent with the king, that he would but delude them; and these sentiments received strong confirmation from letters which were intercepted from Holland, informing his majesty of the forwarding of ammunition and money, and of the success of his negotiations with the king of Denmark. In the north, the earl of Newcastle, had induced Cumberland, Northumberland, and Durham, to unite for the royal cause, and was at the head of a considerable army, who had lately received an important accession of skilful officers, and a large supply of ammunition from abroad. On the other hand, Cambridge, Hartford, Essex, Suffolk, and Norfolk, were associated by lord Gray, for parliament, and Winchester, Chester, Wakefield, and Doncaster, had submitted to their army.

Peace was the interest of parliament, but such a peace as should secure their privileges, and the safety of themselves and their adherents; they, therefore, seized every opportunity of proposing it to his majesty, and the very increase of their demands, proves their sincerity, as well as their confidence in their own strength, for the stipulations against the royal prerogative, rose in exact proportion to the risk they ran on the conclusion of a treaty, from the extremities to which they were urged. The king saw, in peace, only degradation, in war, he had every thing to hope, and from the fatal idea, of the sacred inviolability of the royal person, which he cherished to the last, imagined he had nothing to

\* May's Breviery p. 91, 95. Whitelock, p. 62.

fear. Thus situated, during the interval after the conclusion of the first, and before the commencement of another campaign, the two houses, notwithstanding the very general feeling of resentment and distrust prevalent against the king, sent commissioners to Oxford, to treat. Charles, determined upon enforcing unconditional submission, indirectly encouraged addresses against accommodation. Their proposals were:—That he should disband his army, and return to parliament; consent to the disarming of papists, and the trial of delinquents; abolish episcopacy; establish such a reformation as should be agreed upon in an assembly of divines; settle the militia as formerly required, and fill up the high offices of state as they recommended. He demanded:—That his towns, forts, ships, and revenues, should be restored; the illegal powers assumed by parliament, disclaimed; the Book of Common Prayer authorized to prevent sectarianism; a cessation of hostilities, and a free trade allowed on both sides, till the treaty was concluded. From proposals so widely different, it was not to be expected that any final arrangement could take place; the friends of peace, on both sides, therefore, would cheerfully have seconded any reasonable compromise, but they were excessively disappointed, and their patience worn out by the conduct of the king, who, apparently at one time, acceded to the most material propositions for adjustment, and then, at next meeting, resumed the ground he had seemed willing to yield, thus, throwing every thing again into such uncertainty, that the discussions had ever to begin afresh, till, at last, parliament perceiving no end to be attainable by such fruitless and tantalizing proceedings, ordered their commissioners to break off the negotiations.\*

While these negotiations were going forward, the Scottish envoys arrived. Their instructions were, to offer, in name of the conservators of the peace, their mediation, on the basis of an uniformity in religion between the two countries, and to procure the royal authority for calling a parliament. In case of being successful with the king, they were to proceed forward to parliament. Lanark set out post, in order

\* Rushworth, vol v. p. 399, et seq. Burnet's Memoirs, p. 204, et seq.

to reach court before, but being detained by the parliamentary troops for some days, it was the end of February, ere he reached his destination. He brought the opinion of the Hamiltonian party, which was to amuse the commissioners with fair speeches, but not by any means, to allow them to proceed to London. The king, although he had wished the conservators at their first assembling, to express, in some manner, their tender respect for his honour and safety in his quarrel with the English parliament, yet now, when he perceived, that even their neutrality was dubious, desired them to point out the article in the act of pacification, by which they were warranted or obliged to interpose in the internal affairs or differences of the kingdom of England, as, till then, he could not admit of their acting as mediators, or allow them to proceed in that capacity, to the two houses of parliament. The Scottish commissioners replied, that their duty to their sovereign, their allegiance, and greatest native interest in his royal person and greatness, and their public faith and fraternity to the parliament, obliged them to interpose. They founded their warrant also, upon the answer of his majesty and the two houses to their request, at the signing of the treaty, that they would take the subject of uniformity in religion between the two nations, into their consideration; and, upon the declaration of the two houses of parliament, to the general assembly of the kirk of Scotland, to the commissioners for conserving the peace, and to the lords of secret council, that they were about the reformation so much desired—the sincerity of which they had since evidenced by abolishing the order of bishops, as a principal mean of the desired uniformity in kirk government—and, besides, the impossibility, where kingdoms were so nearly joined between themselves and so strictly united under one head, to stop the deluge of the troubles of the one, that it affect not the other with the danger of the like, to the disturbance of the common peace of both, was of itself a powerful reason. In his final refusal, either to allow the commissioners to interfere, or to grant a parliament, the king told them that his care to prevent the deluge of troubles in England, from causing any danger to Scotland, was visible to all the world,

and that, from his great desire of continuing them in peace and tranquillity, he had not desired any assistance from them, even for his own preservation, and, if those who wished to raise any commotion there, by attempting to assist the rebels in England, were looked upon as troublers of the peace, and incendiaries, then, for aught his majesty could see, there would be no cause to apprehend trouble, and such dangers, would prove rather imaginary than real, even although the conservators should be content to keep themselves within their proper bounds.

To the petition of the general assembly he replied shortly, commanding their zeal for the true reformed religion, against heresy, popery, sects, and innovations, evaded the question of unity in kirk government, but expressed himself willing to refer all the controversies to the consideration of “a synod of learned and godly divines, to be regularly chosen according to the laws and customs of this kingdom,” at which he should be very willing that some learned divines of the kirk of Scotland were present. But another, or rather the same petition enlarged, having been printed at London, he afterward published a long reply, which gave rise to observations not highly conducive to his interest. After noticing the dreadful miseries inflicted by the papists in Ireland, and the fears to which their being employed in the royal army in England had given rise, although their numbers were not so formidable in Scotland, the commissioners complained, that a chief praise of the protestant religion—and thereby their not vain, but just gloriation—was, by the public declaration of the earl of Newcastle, general of his majesty’s forces in the north, and nearest to Scotland, transferred unto papists, “who, although they be sworn enemies to kings, and be as infamous for their treasons, and their conspiracies against princes and rulers, as for their known idolatry and spiritual tyranny, yet are they openly declared to be not only good or better, but far better subjects than protestants!” They then entreat the suppression of their power, and the uniformity of church government, the strongest let to which, they represent to be the mountain of prelacy, under whose shadow so many papists and popishly affected, have found refuge,

and profane and worldly men, who fear the yoke of Christ, and whose eyes are dazzled with the external pomp and glory of the church, seek shelter, besides the many timorous friends, who wish for unity, but are afraid to declare themselves, on account of the prelates, and would, if prelacy were removed, openly join with others in the way of reformation.

The king, in his answer asserted, that in the army of the earl of Essex, there were more papists than in the earl of Newcastle's, whose loyalty he had reason to commend, not before that of protestants, but of such as rebel under that title, and whose assistance was as due to him by the law of God and man, to rescue him from domestic rebellion, as to defend the kingdom from foreign invasion; but he solemnly declared, that God should no sooner free him from the desperate and rebellious arms raised against him, than he would endeavour to free himself and the kingdom from any fear of danger from the other. "Nor are you," said he, "a little mistaken, if either you believe the generality of this nation to desire a change of church government, or that most of those who desire it, desire by it to introduce that which you only esteem a reformation, but are as unwilling to what you call the yoke of Christ, as those whom you call profane and worldly men, and so equally averse both to episcopacy and presbytery, that if they should prevail in this particular, the abolition of the one would be no let to the other, nor would your hearts be less grieved, your expectations less frustrated, your hopes less ashamed, or your reformation more secured." This last prediction, some of the leading presbyterians lived to see fulfilled, but the justification of Newcastle for employing papists, was productive of immediate disadvantage, and was afterward greatly improved by the enemies of the king.

Besides these negotiations, others were going forward of a dark and detestable complexion, which would have involved Scotland in cruel intestine warfare, at the very moment when Charles was adjuring, in the most solemn manner, that nothing was dearer to him than the peace of that kingdom. On the queen's landing at Burlington, which she did in the end of February, she was instantly waited upon by Montrose, who gave her an account of the situation of Scotland, which

he depicted as in a state nearly approaching to rebellion, and the covenanters, equally to be dreaded with the English parliament, if not timeously suppressed ; but there were many loyal subjects, he told her, in the country, deficient neither in wealth, power, or courage, who were ready to rise in support of his majesty, and only wanted his commission, once invested with which, there was no deed so desperate, that they would not venture on for his service. But there was danger in delay, it would be necessary to strike quickly, and he therefore proposed to destroy immediately all the chief leaders, among the covenanters, before they were allowed time to put themselves on their defence, for if they were permitted to get an army assembled, they would have it in their power to blast in the bud, the first appearance of any future insurrection.

These violent and unprincipled measures, were quite in accordance with the disposition of the queen, who was with difficulty persuaded by the marquis of Hamilton, to hesitate about them, as what would not only bring an indelible stain on his majesty's honour, but destroy all confidence in his concessions and assurances, and for ever put an end to any chance of support from his Scottish subjects. He confessed he had his fears respecting the covenanters, nor could he promise for more than his own fidelity and diligence. His utmost hope was to keep Scotland in such a state of agitation during the summer, as to prevent them, for that year at least, from assisting England. His only expectation was from delay. He could perceive no prospect of advantage from force; there was neither a castle nor strength in the king's power, to which his adherents could retire in case of disaster. The people were entirely devoted to their ministers, and it was but lately that they had seen them as one man, resolve to die in defence of the covenant. The few gentry who might be collected, would only serve to exasperate their enemies, expose themselves to ruin, and the royal authority to hatred and derision. There remained then none else except the Highlanders, and these were chiefly at the command of Huntly and Argyle; the former was fickle and inactive, the latter able but adverse. Besides, were it even possible to

bring down any of the clans from their mountains, no confidence could be placed in them, they might do well enough for a plundering incursion, but the moment they were loaded with spoil, they would return home to their fastnesses, to enjoy their booty, and desert, without ceremony, those who relied on their exertions.

The utmost, however, the marquis' arguments could effect was, that the whole subject should be laid before the king, and his majesty not disapproving of the earl's plans, a plot was originated, which, had it succeeded, would probably have rivalled the Irish massacre in atrocity. The earl of Antrim, after bribing the general—a thing considered by the conspirators as a matter of course—was to procure the transference of the army sent to Ireland for reducing the rebels, back to England, to assist the king, while he himself, with a large body of papists, was to invade the west coast of Scotland, where he relied upon being joined by the M'Donalds of the isles, to whom he claimed kindred, while Montrose, having raised the Gordons, should bring his northern barbarians to effect a junction with his more savage allies, and, after exterminating the covenanters by an unexpected assault, leave Scotland in the repose of hopeless subjection, and march south, to assist Charles in reducing England to a state of equally enviable tranquillity. Monro's integrity, and that of his army, defeated the grand outline of the scheme, although the king had urged Ormond, the lieutenant of Ireland, to conclude a cessation with the rebels, in order to forward it; but the Irish were afterward introduced by the “gallant” Montrose, and gave to the civil war in Scotland, a horrid feature of barbarism, from which it would otherwise have been exempted.\*

\* This atrocious plot was first discovered by the seizure of the earl of Antrim. Major Ballantyne, who was with the Scottish army in Ireland, having perceived a ship's boat, lying in a creek near Carrickfergus, seized it, and a servant of the earl's, who had arrived in it. On examination the servant was found to have come ashore, to see if his lordship could land with safety. The major, by threats, forced the fellow to give the preconcerted sign, which the earl obeyed, and was apprehended. On his person were found the papers, containing a plan for the seduction of the Scottish army, and the king's commission for treating with the rebels.

Oxford was the focus of loyalty and episcopacy, where licentiousness formed the distinguishing badge of the “friends of church and state,” as they styled themselves, and the exemplary gravity of manners which distinguished their opponents, was considered as an undoubted mark of anarchy and rebellion. In such company, the Scottish commissioners were looked upon with suspicion, and treated with ridicule, and the inhabitants catching the contagion of the court, reviled and mocked them from their windows as they passed, or on the streets when they met them. Nor was their abode rendered only uncomfortable, but dangerous; their letters were intercepted, and their lives threatened.

Reports having reached Scotland of the treatment they were exposed to, their protracted stay created uneasiness to their friends, and the conservators of the peace ordered their return, after they had spent nearly four months in a useless interchange of petitions and answers, remonstrances and replies. The king, who had detained them to further his own projects in Scotland, was also written to by Hamilton, who requested that no delay should be interposed, as their further detention might be attended with the worst consequences. The commissioners were, however, still anxious to go forward to London, and the king as anxious that they should not, when the chancellor, finding that they would be unable to procure his consent, proposed to protest against this infringement of their safeconduct. The king, afraid of the effect a protest might produce, persuaded the earl of Lindsay to use his endeavours to prevail upon the chancellor to return to Scotland, and he having been told of a design formed by some of the court party, to assassinate him by the road, if he attempted to proceed to the metropolis, related this to Loudon, who also dreading the treachery of the party, requested a passport for his own country.

Immediately on their arrival, a meeting of the privy council, conservators of the peace, and of public burdens was assembled, to whom they gave a full report of their proceedings, as Henderson did to the church commissioners, by whom they were thanked for their conduct; but the answers of the king, particularly those in which he avowed employing

papists in his army, and ridiculously retorted the charge on his English parliament, gave rise to universal dissatisfaction, and strong expressions of dislike. The critical situation of the country not admitting of delay, it was proposed to the civil bodies :—That on account of the warlike preparations going forward in the north of England, the nation should be put in a posture of defence, which, as it could not be done without the authority of a parliament or convention of the estates, and as the king's sanction for assembling a parliament could not be obtained, they should therefore summon a convention of the estates without his warrant, for which they had precedents, even since the time king James had gone to England. Hamilton, Southesk, and the lord advocate, Sir Thomas Hope, strongly opposed this, as encroaching upon the king's prerogative. The question was protracted for ten days, and through several meetings, but at last the urgency of the case, and the impatience of those who required their assembling, decided that the chancellor should issue his mandate for their meeting on the 22d of June. A letter was next day addressed to his majesty—signed only by those who had voted in the affirmative—apologizing for what they had done, on account of the deep importance of the case, the supplies due by the English parliament to their army in Ireland, being in arrears, and the payment of the brotherly assistance, so necessary for relieving the public burdens of the kingdom, being delayed on account of the unhappy distractions in that country, together with a sense of the danger that threatened the religion and peace of both, all impelling them to pursue this course.

To counteract any strong measures which might be adopted, his majesty had despatched all the lords, friendly to his cause, to Scotland, but reports which had gone before, entirely destroyed their influence. It was said, that an army was to be raised by them in Scotland, to enable the king to put down the English parliament, of which Hamilton was to have been commander in chief, lord Callender, general, Baillie, his lieutenant, and Montrose, general of horse, but that Montrose refused to act an under part. This, which probably originated in some confused rumours of the actual

machinations of the court, appeared to receive confirmation by a journey which Montrose made to the north, and some meetings he had with Huntly, Aboyne, and other chieftains, to whom the king had written, recommending them to assemble their vassals and friends, and vindicate to them the royal character, from the numerous imputations to which it had been exposed; but the transmission, soon after, by Monro, of the papers found on Antrim, put an end to all conjectural surmises.

Three days after the decision of the privy council, conservators of the peace, and commissioners for public burdens, to call a committee of the estates, the earls of Roxburgh, Kin-noul, and Lanark, arrived with instructions, to endeavour, by "all fair means," to hinder any treaty being entered into between the Scottish nation and the English parliament, and to prevent any of the ministers from using liberties in the pulpit with, or censuring any of the king's actions; to declare the king's readiness to contribute any thing in his power for the maintenance of the army in Ireland, even to the engaging his whole revenues in Scotland, rather than it should be allowed to return, and expressly declaring the royal pleasure, that that army should not be recalled, until he was acquainted with this, and discharging the earl of Leven from obeying any orders, except his, for that purpose. They were also ordered to publish a declaration to the people in Scotland, in which his majesty declares, as usual, that he had been compelled to take arms in self-defence, much against his inclination, disavows his employing, or allowing to be employed, any papist or recusant, and adds, as for the other malicious and wicked insinuation, that our success here upon the rebellious armies raised to destroy us, will have an influence upon our kingdom of Scotland, and that we will endeavour to get loose from these wholesome laws that have been enacted by us there; we can say no more, but our good subjects of that kingdom, know with what deliberation, ourself being present at all the debates, we consented to these acts, and we do assure our subjects there, and call God Almighty to witness, of the uprightness and resolution of our heart on that point, that we shall always use our utmost endeavours, to defend and

maintain the rights and liberties of that our native kingdom, according to the laws established there, *and shall no longer look for obedience, than we shall govern by the laws!*" He concludes with a solemn imprecation, which, were we to judge by the event, providence strikingly fulfilled. "And God so deal with us and our posterity, as we shall inviolably observe the laws and statutes of that our native kingdom, and the protestations we have so often made, for the defence of the true reformed protestant religion, the laws of the land, the just privileges, and freedom of parliament."

Nothing now could be done by his majesty's advisers, but either publish his letter forbidding the convention to meet, which they knew would be vain, or protest against its legality when met, which might prove dangerous. They therefore convoked a number of noblemen, who, after four days spent in debate, agreed to recommend to the king, an *ex post facto* authorization of the estates, and an attempt to limit their proceedings to the specific objects of providing for the support of the army in Ireland, and the procuring payment of the brotherly assistance. With this advice, the king complied, and in consequence, all his friends attended the meeting, declaring their presence there, was in obedience to his majesty's warrant. Upon the meeting, however, declaring themselves a free convention, Hamilton, now created a duke, who had voted it no convention, but as regulated by the king's letter, left the place, together with Lanark, his brother, and several other noblemen.

For some time, the Scots had been anxiously looking for ambassadors from England, as affairs there had begun to assume a threatening aspect. In the beginning of the year 1643, the enemies of the parliament prevailed, and fortune seemed to have condemned the cause of liberty in England. The queen and the earl of Newcastle subjected the northern counties of Northumberland, Cumberland, the bishopric of Durham, and pressed upon Yorkshire, while lord Fairfax, with his son Sir Thomas, were able to afford but insufficient resistance. The army of Essex, mouldered away by sickness, retreated upon London for recruits, Sir William Waller's army in the west was annihilated, and Bristol, the second

town in the kingdom, had been taken by prince Rupert. These circumstances, which were in progress during the negotiations with the king, and seemed to give to the royal party an overwhelming preponderance, are necessary to be kept in recollection, when we attend to the proceedings of the Scots.

While the English commissioners were unexpectedly delayed, the convention were occupied in attending to an accusation brought against the earls of Morton, Roxburgh, Kinnoul, Lanark, Annandale, and Carnwath, by the English parliament, as incendiaries. These noblemen, in returning home from Oxford, wrote to the queen, advising that three or four thousand men should be sent to Lancashire, otherwise, that county, would, in all probability, be lost to the king. This letter being intercepted, Mr. Walden was sent down by the two houses, to complain of them as intermeddlers and disturbers of the peace, contrary to the late treaty; but the king's party insisting, that till the question at issue between the parties, were debated, and the king's quarrel declared unjust by the Scottish people, the lords had been guilty of no crime, they were passed over, on promising not again to interfere, with a gentle censure, except Carnwath, who, being accused of having represented his countrymen as rebels to the king, and asserting, that their commissioners, not content with their own rebellion, would stir up rebellion in England also, to ruin the king and his family, was ordered to stand trial; but, afraid of the consequences, he fled, and the estates fined him in ten thousand pounds Scots, for contumacy. Traquair too, who was suspected, and unable to satisfy the committee that examined him, chose to absent himself, but his son, lord Linton, whose credit stood high with the estates, prevented all further proceedings against him.

And now, the church commissioners, whose private opinions, coincided with the universal opinion of the nation, upon the necessity of putting the kingdom in a posture of defence, from a thorough, rational, persuasion, that the parliament of England was placed in exactly the same state they themselves had so lately been, that the struggle was the same for free-

dom of conscience, and of religious profession, had individually expressed that opinion, but, considering that “the conclusions of peace or war, were without their element, and alone the work of the state, declined as a body, offering any advice. On being urged, however, by the leaders, with whom they in general acted, and being persuaded, that should the popish and prelatic party prevail, an intestine war in Scotland, or worse, an irresistible tyranny would predominate—in other words, should the king crush his English subjects, he would have very little hesitation in despoiling their Scottish brethren of the privileges he had reluctantly and hollowly granted them. They presented a remonstrance to the estates, on the dangers and wishes of the kirk, requesting them to devise the means of deliverance, without, however, alluding to any method it might be proper for them to pursue.

But the estates had already sat long beyond the time for which they were usually convened, and, excepting a vote for raising money to supply the army in Ireland, no public business had been transacted, all were on the tiptoe of conjecture and expectation, when Mr. Corbet, a member of the lower house, arrived with a message from the English parliament, excusing their apparent neglect, from the multiplicity of plots they had been employed in detecting, and requesting that Antrim should be delivered over to them; also, that the border should be protected, and announcing that regular commissioners were about to follow.

Meanwhile, the general assembly met, and was opened by Sir Thomas Hope, lord advocate, as commissioner, who, in opposition to his inclination, had been forced to accept the office. The king's letter was short and gracious, it reminded them of his majesty's goodness toward them, and his consequent expectation of their concurring with his princely desires, to preserve peace in church and state, by the moderation of their dutiful proceedings, and warns them of a danger it had been well he himself had always shunned. “Having observed that alterations in points of religion, are often inlets to civil dissensions, and the hazard, if not overthrow of both kirks and kingdoms. Therefore,” he adds, “of our great

affection, and special tenderness to your peace,—who of all our dominions, are yet happy therein, to the envy of others—we conjure and require of you, in the fear of God, and obedience of us, his vicegerent, that your endeavours and consultations, tend only to preserve peace and quietness among you.” The answer—they who were so well acquainted with the Oxford and York plots, returned to this declaration, at the close of the assembly, was such as might have been anticipated from honest men, uninstructed in the courtly art of making truth subservient to political purposes. They “earnestly pray to God Almighty, in whose hand are the hearts of kings, to incline your majesty’s heart to the counsels of truth and peace, to direct your government for the good of your people, the punishment of malefactors, and the praise of welldoers, that this fire of unnatural and unchristian war being extinguished, the people of God, your majesty’s good subjects, may lead a quiet and peaceable life, in all godliness and honesty.” \* The practical reply, was an immediate disdain of present deceitful peace, when put in competition with future security. Henderson whose sound judgment, and eminent fitness for such a situation in times of difficulty, had stood the test, was chosen moderator, and the assembly were for some days engaged in preliminary arrangements and private business.

At length the expected commissioners arrived, Sir William Armine, Sir Harry Vane, the younger, Thomas Hucher, and Henry Darnley, Esqs., from the parliament to the estates, with a declaration, “Earnestly requesting their brethren of Scotland, to hasten their speedy aid and assistance, and informing them, that although in the straits and perplexities of want and danger, by which the friends of religion and liberty were surrounded, they would not receive such plentiful entertainment as might at other times be expected, yet they would not fail to reap great honour and advantage, by their undertaking, both in the service therein done to God, whose cause it is, and the dangers and miseries which would thereby be kept from themselves.” And Mr. Marshall, a

\* Printed Acts, 1643, p. 32.

presbyterian, and Mr. Nye, an independent, from the assembly of divines, who had met at Westminster, deputed to assist the others; who, besides their instructions in matters concerning the peace and common weal of both kingdoms, received directions to resort to the general assembly of the church of Scotland, and propound and consult with them “in all occasions which might further the so much desired reformation in ecclesiastical matters.” In an address to the assembly, which they brought, the two houses desire, that the reverend body would, according to their former promise, send to the assembly at Westminster, such number of godly and learned divines, as they should think expedient for the furtherance of that work, which so much concerns the honour of God, the prosperity and peace of the two churches of England and Scotland, and must needs have a great influence in procuring a more safe and prosperous condition to other reformed churches abroad; and, that their endeavours may be more effectual, the two houses do make this request to them, with their authority, advice, and exhortation, so far as belongs to them to stir up that nation, to send some competent forces in aid of this parliament and kingdom, against the many armies of the popish and prelatical party, and their adherents now in arms, for the ruin and destruction of the reformed religion, and all the professors thereof. The commissioners landed at Leith, where they were met by a committee of the estates, who complimented them, and brought them up in state to Edinburgh; they were introduced to the leading men of the covenanters, from whom they all received a cordial welcome, only Mr. Nye, as an independent, was viewed by some of the presbyterian ministers with jealousy.\*

No time was lost in proceeding to the important business for which they had been sent, and where the necessity was so urgent, it was not long in being concluded. “The English wished only a civil league, but the Scots desired a religious

\* The very nomination of Mr. Nye, an open avowed independent, must free the English parliament or their commissioners, from the charge of chicanery, in their negotiations respecting the reformation of religion. Baulie, vol. i. p. 391.

covenant," which, considering the state of religious feeling and profession in both countries, was the most judicious and political plan that could have been proposed, for rendering the alliance of the parties efficient and irresistible. \*

That there existed a necessity for entering into the contest, and that the Scottish nation could not remain tranquil spectators of the struggle, was allowed on all hands. The northern counties of England, were the seat of war, and, although Berwick and Carlisle, according to the treaty, were still without garrisons, it was not to be supposed that they would long be suffered to remain unoccupied by some of the parties, in which case, the most fertile districts in Scotland, would have been exposed to contribution, and whichever party prevailed, the neutral unarmed people would suffer, unless a force sufficient to protect the frontiers were constantly kept up, a thing rendered totally impossible, by the poverty of the country; there, therefore, remained no choice, but for such a force, when raised, to march into England, and join either the parliament or the king. The royalist party urged the allegiance the Scottish nation owed their native king, and their own covenant, by which they were bound to assist his majesty, in asserting his honour, in all cases not inconsistent with their religion or liberty. They had, besides private inducements; the king had promised large revenues to the leaders, and that every third place of emolument or trust, should be held by a Scottishman. In opposition to this, it was urged, that the king's councils were directed by papists, and persons holding arbitrary principles, and that it would be little for his honour, to enable an army, composed as his was, of the most

\* I do not know whether Mr. Laing intended the following for wit, if he did, he only adds one more to the melancholy list of those destined to prove the danger of meddling with weapons they do not know how to manage—pointless sarcasms, thrown at the shield of truth, are not always harmless in their recoil on the hand that throws them. "The Scots," says he, "demanded a religious covenant, without which, in an age addicted to the covenants, of works, of grace, mediation and redemption, the bonds of national alliance, and even of social intercourse, were deemed insecure." Hist. of Scot. vol. iii. p. 256. The effort here, to throw ridicule upon the leading doctrines of revelation, and upon a people for cherishing them, is happily as silly as it is evident.

dissolute and abandoned characters, to triumph over men of a very opposite description.\*

Among the covenanters, a difference arose, whether the Scots should enter England as armed mediators, as friends to both, or as allies of the parliament; it was decided in favour of the latter, because, by ancient leagues, the two countries were bound to assist each other, when religion was in danger from external or internal enemies; and, when the native princes of Scotland opposed by arms the progress of the reformation, the Scots sought and obtained the assistance of an army from England, by which they were enabled to procure the pacification at Leith, and the establishment of their religion. If either of the two nations be reduced, it was argued, the other cannot expect long to exist free, and many years' sad experience taught, what influence popery and prelacy in England, might have upon Scotland. Thence came the prelates, the ceremonies, the Book of Common Prayer; and thence a bloody sword to enforce them. They have already laid the foundation of a good building, by casting out prelacy, and they are now calling for help to rear the fabric. "If now," said they, "we forsake them, we forsake our dearest friends, who can best help us, should we be reduced to the like straits, hereafter by the common adversary, by suffering them to sink, we not only betray their safety, but our own. If we suffer the parliament of England to be cut off, we have lost our peace with England, because, after our disappointment, through breach of the declaration, at Dunse, we resolved to seek not a present, but a durable peace for ourselves and our posterity. The surest mean we could pitch on, was to settle our demands by advice of the parliament of England, as the best caution and warrant of our peace; but, if they be destroyed, and the prelatrical

\* Whitelocke, whose case may be considered a favourable example, as he mentions that the commander, Sir John Biron, and his brother, endeavoured to restrain the licentiousness of their soldiers, mentions, that when his house was taken possession of, "the soldiery, who carried their whores with them, consumed the provisions and liquors, lighted their pipes with his MSS., and the title deeds of his estates; destroying what they could not consume, they littered their horses with his wheat sheaves, broke his fences, and did every kind of mischief."

faction, the workers of our woe, obtain the power, we may expect war from them and the king, ere three months pass. Nor will they want pretences, they know all their disappointments have proceeded from Scotland. Resistance to the king, they call rebellion and treason, and they have already ventured to assert, that the king was not bound to preserve what he had granted us, because, by keeping this convention, we have first broken with him." To this, it was objected, that having procured the establishment of their religion and liberty, according to their desires, by act of assembly and parliament, with his majesty's consent, and having his royal declaration to the whole kingdom, and to the noblemen and burghs, assuring them of the preservation of their privileges without alteration, the Scottish nation had no interest nor hazard, however matters went in England.

In reply, the covenanters urged, that neither verbal promises, nor fair declarations for maintaining religion and liberty, were any security, actions having been so often found to contradict words. As, for instance, the treaty of Dunse, when, from regard to his majesty's honour, confidence had been placed in his gracious verbal declarations, for conditions of the treaty, yet, they were afterward denied, and burned by the hands of the common hangman—all that was there agreed upon, in favour of religion and liberty, reversed, and an army levied against them. It was the counsel of Mons. de Thou, to the queen regent, at St. Andrews, for reversing the first reformation in Scotland, to grant to the reformers, every thing they craved, in fair promises and declarations, and when, satisfied with these, they had dispersed, to interpret her meaning herself, and take vengeance on the heads of her opponents. The same policy was used by the king of France, for subverting the protestant religion. And, "we ourselves," they convincingly contended, "have found, by former experience, that the establishment of our first reformation, by an act of assembly and parliament, could not secure us from the violent, pressing innovations against both; and no assembly nor parliament, no rotten cable, no slipping anchor of articles, to which we may fasten our hopes, will ever be found means of safety, in an hour of danger, so long as our enemies sit

at the helm; so long as they govern the king's council and conduct, who make him, by extrajudicial declarations, weaken, or destroy whatever is enacted by an assembly or parliament, and interpret the laws in opposition to the supreme legislatures of the country; but, above all, if the English parliament were put down, what security would they have against such plots as the Irish, and those lately detected?"

Although it was decided to join interest with the English parliament, and that the alliance should be religious, some difficulty yet remained respecting the nature of the treaty. The English united with the Scots in the abolition of prelacy, and readily agreed to its extirpation, as the religious establishment of the land. But averse as they were to the pride, pomp, and dominion of Episcopacy, the English commissioners were unwilling to imitate the retaliating spirit of the Scots. Sir Harry Vane, the younger, whose genius, eloquence, and piety, had deservedly given him great influence, had adopted the tolerating principles of the independents, and was perfectly satisfied, on political grounds, to deprive of power, a hierarchy who had abused it, and to render a persecuting church incapable of continuing to persecute; but, supported by Mr. Nye, he did not wish to substitute in her room, another who professed an equal anxiety to enforce, by unscriptural methods—pains and penalties—uniformity to her dogmas and discipline; they therefore objected to the first draft of the covenant, which was drawn up by Mr. Henderson, and wished to have it worded in such a manner, as to comprehend all the different sects of protestants, now frequently confounded under the general denomination of independents; nor was it till after many meetings between the committees from the convention of estates, the general assembly of the church of Scotland, and the commissioners from England, that the important document was agreed to, as it now stands. It has been the object of as much misrepresentation, as it has been of abuse, I therefore insert it entire.

" We, noblemen, barons, knights, gentlemen, citizens and burgesses, ministers of the gospel, and commons of all sorts, in the kingdoms of Scotland, England, and Ireland, by the providence of God, living under one king, and being of one

reformed religion, having before our eyes the glory of God, and the advancement of the kingdom of our Lord and Saviour Jesus Christ, the honour and happiness of the king's majesty, and his posterity, and the true public liberty, safety, and peace of the kingdom, wherein every one's private condition is included; and calling to mind the treacherous and bloody plots, conspiracies, attempts, and practices of the enemies of God, against the true religion, and professors thereof in all places, especially in these three kingdoms, ever since the reformation of religion, and how much their rage, power, and presumption are of late, and at this time increased and exercised, whereof the deplorable estate of the church and kingdom of Ireland, the distressed estate of the church and kingdom of England, and the dangerous estate of the church and kingdom of Scotland, are present and public testimonies. We have now at last—after other means of supplication, remonstrance, protestations, and sufferings—for the preservation of ourselves and our religion, from utter ruin and destruction, according to the commendable practice of these kingdoms in former times, and the example of God's people in other nations, after mature deliberation, resolved and determined to enter into a mutual and Solemn League and Covenant, wherein we all subscribe, and each one of us for himself, with our hands lifted up to the most high God, do swear,

I. That we shall sincerely, really, and constantly, through the grace of God, endeavour, in our several places and callings, the preservation of the reformed religion in the church of Scotland, in doctrine, worship, discipline, and government, against our common enemies; the reformation of religion in the kingdoms of England and Ireland, in doctrine, worship, discipline, and government, according to the word of God, and the example of the best reformed churches; and shall endeavour to bring the churches of God in the three kingdoms, to the nearest conjunction and uniformity in religion, confession of faith, form of church government, directory for worship and catechising, that we, and our posterity after us, may as brethren live in faith and love, and the Lord may delight to dwell in the midst of us.

II. That we shall, in like manner, without respect of per-

sons, endeavour the extirpation of popery, prelacy—that is, church government by archbishops, bishops, their chancellors and commissaries, deans, deans and chapters, archdeacons, and all other ecclesiastical officers depending on that hierarchy—superstition, heresy, schism, profaneness, and whatsoever shall be found to be contrary to sound doctrine, and the power of godliness, lest we partake in other men's sins, and thereby be in danger to receive of their plagues, and that the Lord may be one, and his name one in the three kingdoms.

III. We shall, with the same sincerity, reality, and constancy in our several vocations, endeavour, with our estates and lives, mutually to preserve the rights and privileges of the parliaments, and the liberties of the kingdom, that the world may bear witness with our consciences of our loyalty, and that we have no thoughts or intentions to diminish his majesty's just power and greatness.

IV. We shall also, with all faithfulness, endeavour the discovery of such as have been, or shall be incendiaries, malignants, or evil instruments, by hindering the reformation of religion, dividing the king from his people, or one of the kingdoms from another, or making any faction or parties among the people, contrary to this league and covenant, that they may be brought to public trial, and receive condign punishment, as the degree of their offences shall require or deserve, or the supreme judicatories of both kingdoms respectively, or others having power from them for that effect, shall judge convenient.

V. And whereas, the happiness of a blessed peace between these kingdoms, denied in former times to our progenitors, is, by the good providence of God, granted unto us, and hath been lately concluded and settled by both parliaments, we shall each one of us, according to our place and interest, endeavour that they may remain conjoined in a firm peace and union, to all posterity, and that justice may be done upon the wilful opposers thereof, in manner expressed in the precedent article.

VI. We shall also, according to our places and callings, in this common cause of religion, liberty, and peace of the kingdoms, assist all those that enter into this league and

covenant, in the maintaining and pursuing thereof, and shall not suffer ourselves directly, or indirectly, by whatsoever combination, persuasion, or terror, to be divided and withdrawn from this blessed union and conjunction, whether to make defection to the contrary part, or to give ourselves to a detestable indifference or neutrality in this cause, which so much concerneth the glory of God, the good of the kingdoms, and honour of the king; but shall all the days of our lives, zealously and constantly continue therein, against all opposition, and promote the same according to our power, against all lets and impediments whatsoever, and what we are not able ourselves to suppress or overcome, we shall reveal and make known, that it may be fully prevented or removed, and which we shall do as in the sight of God.

And, because these kingdoms are guilty of many sins and provocations against God, and his Son Jesus Christ, as is too manifest by our present distresses and dangers, the fruits thereof, we profess, and declare before God and the world, our unfeigned desire to be humbled for our own sins, and for the sins of these kingdoms, especially, that we have not as we ought, valued the inestimable benefit of the gospel, that we have not laboured for the purity and power thereof, and that we have not endeavoured to receive Christ in our hearts, to walk worthy of him in our lives, which are the causes of other sins and transgressions, so much abounding amongst us; and our true and unfeigned purpose, desire, and endeavour for ourselves, and all others under our power and charge, both in public and in private, in all duties we owe to God and man, to amend our lives, and each one to go before another in the example of a real reformation, that the Lord may turn away his wrath and heavy indignation, and establish these churches and kingdoms in truth and peace. And this covenant we make in the presence of Almighty God, the searcher of all hearts, with a true intention to perform the same, as we shall answer at that great day, when the secrets of all hearts shall be disclosed, most humbly beseeching the Lord to strengthen us by his Holy Spirit for this end, and to bless our desires and proceedings with such success, as may be deliverance and safety to his people, and encouragement to

other Christian churches groaning under, or in danger of antichristian tyranny, to join in the same, or like association and covenant, to the glory of God, the enlargement of the kingdom of Jesus Christ, and the peace and tranquillity of Christian kingdoms and commonwealths."

The covenant was received by the assembly, from the committees by whom it had been framed, with the most unbounded marks of approbation.\* The old and the grave, expressed

\* " This assembly sat down ilk day by eight hours in the morning, and continued till 12 hours, syne went to dinner. At two hours they advised and counselled with the conservators of peace, or convention of estates, and secret council, of what they had been doing, while [until] six hours at even, syne dissolved, and went home."

In his memoranda of this assembly, bishop Guthrie gives a very characteristical account of his own conduct, and that of lord Maitland, afterward the infamous duke of Lauderdale, which I shall transcribe, as it serves to prove, what is plain from the whole history, that the most furious, or most reprehensible parts of measures, in themselves good, were forced upon the excellent men with whom these measures originated, by zealots and hypocrites, both religious and political, who afterward turned apostates, and whose characters have not been sufficiently held up to the execration they merit, while pious, upright professors—and even the profession itself—have been made to bear the obloquy of acts, which, left to themselves, and not urged on by the specious arguments of the others, would have had a very different appearance. " Henry Guthrie, minister of Stirling, rising up, spoke to this effect. ' That he observed the assembly of divines in their letter, and the parliament in their declaration, were both clear and particular, concerning the privative part, *viz.* that they would extirpate episcopacy, root and branch, but as to the positive part what they meant to bring in, they huddled up in many ambiguous general terms; so that whether it would be presbytery or independency, or any thing else, God only knew, and no man could pronounce infallibly concerning it. Therefore, that so long as they stood there, and would come no farther, he saw not how this church, which holdeth presbyterian doctrine to be *juris divini*, could take them by the hand.' Whereupon he wished, ' that before there were any further proceedings, the assembly would be pleased to deal with the English commissioners present, to desire the parliament and divines assembled at Westminster, to explain themselves, and be as express concerning that which they resolved to introduce, as they had been in that which was to be removed.' For this speech he complains he was cried down as " a rotten hearted malignant, and an enemy to the cause, [how strangely people will sometimes characterize themselves!] conceiving that his pleading for presbyterian government, flowed not from any love to it, but to baffle the work." pp. 156, 157. In calling the roll, he says that Lord Maitland, instead of being satisfied with answering yea or nay, as was customary,

by tears of joy, their hearty affection, and all with the most cordial unanimity, hailed it as a new period and crisis in the work of the reformation. It was on the afternoon of the same day, carried to the convention of estates, by whom it was ratified with equal celerity and delight. The first clause in this remarkable deed, is the one which gave rise to the greatest discussion, and was at last settled by a compromise, not of sentiment, but of expression, and this, I am persuaded, was agreed to by the parties, not in the spirit of duplicity, or with the desire of juggling each other, but in the sincere belief of both parties, that the principles they each held, were consonant to scripture, and that they only wanted to be explained and enforced aright, in order to carry conviction to the hearts of their opponents. That this was the view of the presbyterians in adopting the language of that article, we have their own authority for asserting. In the “declaration of reasons for assisting the parliament of England against the papists and prelatical army, by the general assembly of the kirk of Scotland,” they meet the objection, that the “English would not embrace a presbyterian government in the kirk, and so no hope of uniformity,” by this reply, “They have already put out the episcopal government root and branch, neither will they, nor do the protestant kirks know of any other but presbyterian.” “And, if any zealous men among them, have their scruples against presbyterian government, we trust the Lord will reveal the truth unto them.” \*

That the independents did not conceal their tenets, we learn from Baillie, and that they did not surrender them afterwards, is no proof, that they did not both avow and say

and no more, “was so taken with a thought of his own, that he must needs vent it, so that when his voice came to be asked, he rose up, and spoke to this sense. ‘How, upon the 17th of August, four years ago, an act passed in that assembly, for thrusting episcopacy out of this church, and now, upon this 17th of August also, an act was passed for the extirpation of it out of the church of England, and that providence having ordered it so that both happened to be in one day, he thought there was much in it, and that men might warrantably thereupon expect glorious consequences to follow, even farther off than England, ere all was done.’” Memoirs, pp. 138, 139.

\* Rushworth, vol. v. pp. 472, 475

what they meant, when they agreed to a reformation according to the word of God, and the example of the best reformed churches. The second article has, with equal unfairness, been urged against the contracting parties, as if they both wished to propagate their principles by the sword; but the article is not so expressed, and we find that it was not so executed, no prelate was put to death for his opinion, and no episcopalian was turned from his benefice to starve. When the presbyterians and independents were afterward appointed in the room of men, judged inefficient from want of capacity, or by immorality of conduct, a fifth of their revenues was allowed them. The case was very different, when episcopalians rejected their own non-conforming brethren in England, or when they turned the civil power against presbyterians and independents: then, not a farthing was allowed to the laborious ministers, who, with their families, were turned out houseless upon the wide world, or sent to expiate the crime of non-conformity in the jail, or on the gibbet. The charge of a persecuting spirit, came with a peculiarly bad grace from episcopalians, who have never been known in Scotland, but as sycophants and persecutors.

Whatever of ambiguity the articles possess, was a necessary consequence of an agreement between two parties, upon a subject on which one party was not perfectly decided, either fully to acquiesce, or entirely to submit, and, respecting which, policy, perhaps conviction, forbade a direct difference; but the determination to suppress popery and prelacy, was not less an object of just retaliation, than of absolute necessity. Respecting popery, all parties agreed. As a religious system, it was in direct opposition to the essential doctrines of Christianity, held by all protestants as fundamental, and, as a political system, it stood opposed to the enjoyment of civil liberty, and the progress of knowledge. Under no modification, did it admit of communion with persons who believed the Bible the best gift of heaven, and the right to peruse it, the unalienable prerogative, as well as the highest privilege of man, and under no qualification could it be admitted as a sharer of power, by people, who had not only seen, but suffered from its unhallowed, untameable, and

bloody spirit of intolerable despotism. It was not a matter of choice, but a measure of self-preservation, to eradicate a religion that justified the terrific butcheries of France, the gunpowder treason of England, and the Irish massacre, then neither distant events, nor considered as doubtful effects of a decried religion, but as the obviously necessary consequences of a sanguinary creed. The remaining articles are such as might have been expected, from men who were equally zealous for their liberty and religion, and whose religion, formed an essential feature in their mind.

It is curious, but not unprofitable to remark the strange inconsistencies of human conduct upon the same subject, and at the same time. The presbyterians were anxiously labouring to secure to themselves religious liberty, but not less anxious to prevent its being enjoyed by any others, or in any other way than their own. This same assembly, passed an act, recommending to the ministers upon the coasts, or where there were any harbour or port, to try and search for all books tending to separation, if any such should be brought into the country from beyond seas, and, if any were found, to present the same to the presbyteries, that some course might be taken to prevent their dissemination, and, that the civil magistrates should concur with their authority, for the effectual execution of this act. And in the act for preparing the directorie for the worship of God, “ In order to preserve peace and unity in the kirk till the book were finished, the assembly forbade, under pain of the censures of the kirk, all disputation by word or writing, in private or public, about different practices, in such things as had not formerly been determined by the kirk”—decisions which breathe little of that spirit of free inquiry, encouraged and enforced by themselves, when the corruptions of popery and prelacy were the subjects of investigation. The desire of exclusive power, which seems almost inseparable from religious establishments, we shall have occasion to notice gradually increasing among the presbyterians, till, happily, for the honour of the profession, the sword was wrested from their hands, when in the very act of unsheathing for persecution.

This assembly seems to have retrograded in their opinions,

with regard to popular superstition, nearly as much as with regard to liberality. They craved a permanent commission from the council, or justice-general, to some understanding gentlemen, and magistrates, within the bounds of presbyteries, to apprehend, try, and execute justice against such persons as were guilty of witchcraft, to point out the grounds for their apprehension, and the method of procedure against them. After appointing a commission to sit, the assembly rose, as did the estates, who nominated a committee to transact all public business during the recess.

During the sitting of the civil and ecclesiastical legislatures, the Solemn League and Covenant was transmitted to London, by a select committee, consisting of lord Maitland, Mr. Henderson, and Mr. Gillespie, where, being sanctioned by the English parliament, \* and ordered to be taken by the nation, it was returned to Edinburgh, and on the 13th of October, after an animated discourse by Mr. Robert Douglas, was sworn and subscribed in the High Church, by the commission of the church, the committee of estates, and the English commissioners, amid a joyous and admiring assemblage. On the 22d, the committee of estates ordered, that without delay, it should be sworn and subscribed throughout the whole kingdom, by all the subjects, under pain of being punished as enemies to religion, his majesty's honour, and the peace of the kingdoms.

This measure, which has been censured as harsh and persecuting, was a political act, rendered necessary by the plots the king's friends, or banders, were incessantly carrying

\* The covenant was, by an order of the commons, after it had passed the parliament with some small alterations, printed and published, and on the next day, it was appointed to be taken publicly in St. Margaret's church at Westminster, by the house of commons and assembly of divines. Philip Nye returned from Scotland, Mr. White prayed before, and Dr. Gouge after, and Mr. Henderson, one of the commissioners from the kirk of Scotland, also made a speech. The manner of taking it was this—The covenant was read, and then notice was given, that each person, by immediately swearing thereunto, worship the great name of God, and testify so much outwardly, by lifting of their hands, and then they went up into the chancel, and there subscribed their names in a roll of parchment, in which the covenant was fairly written. Rushworth, vol. v. p. 475

on. A plan for a universal massacre of the heads of the covenanters had been formed, and under pretext of attending the funeral of the countess of Roxburgh, all the chiefs of the high royalist party, agreed to meet, to proceed to action; but from want of concert, jealousy, or distrust, not above a thousand horse assembled, who being disappointed of aid from England, dispersed, without being able to come to any certain resolution. Hamilton and his brother had been of the party, and such was the dread of insurrection and invasion, that the beacons were prepared for being lighted up, and the country desired to be in a state of preparation. When the cloud passed over, the fears which it excited, occasioned a peremptory order for enforcing the solemn obligation, and in particular, all the lords of the council, who had not already taken it, were commanded to appear on the 2d November, and take the covenant. With this injunction, Hamilton, his brother, and some others refusing to comply, their estates were confiscated, and their persons ordered to be arrested. These severe proceedings induced some to subscribe, but the Duke and Lanark, whose temporizing schemes had all failed, seeing by this last defeat, every hope of aiding the royal cause in Scotland extinguished, left the country, and set out to join the court at Oxford.

Among the other causes that invigorated the animosity of the Scots, was the cessation in Ireland. Charles' negotiations in that island had long been suspected, and had latterly become pretty generally known, but the universal disgust which any arrangement with the papists, without bringing the perpetrators of the massacre to condign punishment, would have excited, obliged him to conceal his proceedings, until he imagined himself in a situation, such as would enable him to overwhelm all opposition by the success of his plots. At last, having intercepted the supplies destined for the English army, and artfully encouraged their discontent, excited by the irregularity of their pay, he instructed Ormond with the justices, to conclude a year's truce with the Irish rebels, in order to enable him to bring over the regiments raised to suppress them, to assist in subduing the English parliament. This was considered in Scotland as declaratory of an inten-

tion to introduce an army of cut-throats, and encourage the popish party, at least so far, as to render an immediate and stricter union among the protestants, necessary for mutual protection; and the effects to the king were doubly harassing, in the energy they gave to the opposition against him, and in the distrust and dissension the truce occasioned among his friends.

Intent as the Scots were in carrying into effect the religious covenant, they did not omit to attend to the important civil duties of the league. An army of eighteen thousand foot, and three thousand horse, with a suitable train of artillery, were engaged to be sent to England, to assist the parliament —to be commanded by Scottish generals, subject to the direction of a committee of both kingdoms; to be paid at the rate of thirty thousand pounds per month, one hundred thousand in advance; that no separate peace should be made by either, nor should the Scottish troops be employed for any other purpose, than that for which they entered England, and that during their absence, the English fleet should defend the Scottish coast.\*

Charles, greatly dissatisfied with the proceedings in Scotland, could only oppose to them proclamations, which were treated with contempt, and protestations which were universally disbelieved. Montrose, whose estates were involved, and his affairs desperate, detested by the covenanters whom he had deceived and deserted, disappointed by the northern clans, who had felt his persecuting zeal as a covenanter, and distrusted his newly adopted loyalty, when he found himself unable to rouse the king's friends to the frantic project of rising on his behalf, in opposition to the whole nation, and

\* Much abuse has been thrown out against the earl of Leven, (Leslie,) for having accepted the command of the army on this occasion. Baillie's account completely justifies his conduct. "General Leslie is chosen, and accepted his old charge. It is true he passed many promises to the king, that he would no more fight in his contrare: but as he declares it was with the express and necessary condition, that religion and the country's right were not in hazard, as all indifferent men think now they are in a very evident one." Vol. i. p. 392. I wonder this passage escaped Mr. Brodie, who seems to admit Clarendon's slander on the old veteran. Hist. of the British Empire, vol. iii. p. 225.

with the certainty of ruin, after ascertaining the designs of the covenanters to support the cause of freedom in England, withdrew privately, together with lord Ogilvy, and went to the king. His majesty's ear was sufficiently open to their complaints of the lukewarmness of his Scottish friends, and he was easily persuaded to look upon the caution of Hamilton as the consequence of treason. The duke, therefore, on his arrival at Oxford, was ordered to be arrested, upon an accusation of connivance with the covenanters, and a design to seize the crown, and, after in vain demanding a trial, was sent prisoner to the castles of Pendennis, and St. Michael's Mount, in Cornwall, nor was he set free, till the latter place surrendered to the parliamentary forces, in the end of April, 1646. Lanark, who was seized at the same time, made his escape, and fled to London.

About the end of harvest, the Scottish troops began to be put in a state of preparation. In consequence of a proclamation issued by the convention, in the king's name, ordering all the "fencible men," from sixteen to sixty, of whatsoever age, rank, or quality, to provide themselves with forty days' provisions, and with ammunition, arms, and other warlike stores of all sorts, and to be in readiness to make their rendezvous armed, at the place appointed by the estates.\* Soon after, a short declaration was issued, to justify their conduct, and to remove the objection started by the high royalists, that they had not the authority of the king. They observe, "that though through the injury of mischievous counsels, both his person and personal commands were withheld, yet his honour, his happiness, posterity, his great council, and the welfare of his kingdoms, called importunately to them for this timely interposing, so that, unless they could blot out of their thoughts, the sense of piety and religion towards God, of honour and duty towards their sovereign, and of gratitude towards the parliament and kingdom of England,

\* The horsemen were to be armed with pistols, broadswords, and steel caps, and when these could not be had, with jacks, or secrets, lances, and steel bonnets. The footmen armed with musket and sword, or pike and sword, and when these could not be had, with halberts, Lochaber axes, or Jeddart staves and swords.

they could in nowise resist their present call to this undertaking.” \*

The call of the estates was heartily followed throughout the country, except in that part of the north under the influence of Huntly, who wished to observe a suspicious neutrality, and an army of twenty thousand men was about the close of the year, assembled on the borders under Leslie, earl of Leven, who had William Baillie as his lieutenant-general, and David Leslie, major-general of the horse; but previously to the army’s entering England, the convention of estates published their manifesto. In it they adverted to the well known attempts which had been made against their own religion and liberties, and acknowledged the good hand of God, that had delivered them from the open violence, and secret machinations of their enemies, the papists, prelates, and malignants, who, defeated in Scotland, had raged with greater fury and malice in miserable Ireland, distressed England with new stratagems, and greater power, and unless interrupted and driven off, would end their bloody, barbarous, and antichristian tragedy on the same stage where it had commenced.

They then noticed their ineffectual endeavours to mediate, and the assembling of a convention of estates in consequence, which seemed called together by an especial providence, to provide remedies against the treacherous plots laid for the destruction of church and state. Among these remedies, the chief one was to renew with England a league and association, for defence of religion, and the mutual peace of the kingdoms,

\* Dr. Cook remarks on the invasion of England by the Scots, “ Whilst they, (the covenanters,) still held the language of attachment to the king, professing, with disgusting hypocrisy, to be solicitous for his honour, they ordered their forces to march into England, and to join the parliament, which avowed that it unsheathed the sword against him.” Hist. of the Ch. of Scot. vol. iii. p. 77. But he forgets the equally disgusting hypocrisy of the king, who likewise held the language of affection for his people, and professed to wage war for the liberties of the parliament! The truth is, the forms of expression, when the war commenced, originated from the mixed form of the governments of both kingdoms, which supposed, on the one hand, the honour of the king inseparable from the interest of the country, and the liberty of parliament incompatible with the degradation of the monarch.

against the common enemy, and for uniformity in church government, and the external worship of God; and the late example of the kirk and kingdom of Scotland, suggested as the best and most effectual means, for preserving religion and both kingdoms from utter ruin and destruction, and for procuring peace and all other blessings, that both kingdoms should enter into a solemn league and covenant. But, convinced that upon the swearing and subscribing of this covenant by true Christians and patriots, the opposite and malignant party of papists, prelates, and their adherents, would tumultuate more than ever, they therefore, were under the necessity of taking arms for mutual defence, unless they could consent to betray their religion, liberties, and laws, and all that they and theirs possessed into their hands, and suffer themselves to be cut off and massacred, by such bloody and barbarous cruelty, as had been exercised for some time past in Ireland and England.

As if they had anticipated the representation of a late historian, who tells us, “they engaged as principals, instead of allies; that they are accused of converting their aid into a religious crusade, and are described as marching like the disciples of Mahomet, with the sword and the covenant in either hand,” \* they remark, “The question is not whether we may propagate our religion by arms, but whether, according to our power, we ought to assist our brethren in England, who are calling for our help, and are shedding their blood in defence of that power, without which, religion can neither be defended nor reformed, nor uniformity of religion with us, and other reformed kirks be attained, and who have in the like exigence assisted us. Neither,” add they, “is the question whether we should enter England, and lift our arms against our own king, but whether we be not bound to provide for our own preservation;” and they urge, as an irresistibly conclusive argument for their interfering, the cessation concluded with the Irish rebels, notwithstanding all the unparalleled cruelty committed by them upon the protestants. †

\* Laing's Hist. vol. iii. p. 262.

† It should always be recollectec, in reading this part of our history, that

In reply, the king, as if the Scottish nation had been wholly incapable of recollecting the events of the last four years, tells them, “ It is now, we suppose, known to the Christian world, and will be known to after ages, with what princely grace, and fatherly indulgence, we have demeaned ourself to that our native kingdom of Scotland, since our first coming to the crown ! ” He then notices the events which had taken place in Scotland, as proceeding from a few factious spirits, and the invasion of England, as an express violation of the act of pacification between the two kingdoms. He next avers, “ that as he had been compelled to take arms for the defence of his person, family, and crown ; for the religion, laws, and liberties of the kingdom ; for the maintenance of the privileges and being of parliament—which he should always hold in high value and estimation—so he should use and employ these arms to no other end, than the security of all these, and should never suffer himself to be tempted by any success or victory, to infringe the laws of the one, or violate the laws of the other country. But if, after all this, they should still persist in entering England, then he doubts not, but the hearts of all true Englishmen will rise with indignation at the unheard of insolence, and easily conclude, that neither conscience, nor brotherly affection engages them from their own peace and quiet in this ungodly errand, but a hope and resolution to make a conquest by the help of their civil dissensions, and to inhabit their fruitful and most pleasant places ; for, that the same kindness will carry them out that brings them in, cannot be imagined by any sober understanding.”

While the warlike preparations were going forward in Scotland, and when it was no longer a matter of doubt to the presbyterians had already felt the persecuting power of the prelates ; with how much justice they dreaded its return, we shall see in the history of the second Charles, but unfortunately, they could not perceive that civil liberty was compatible with any other form of church government than presbytery, like some worthy, but contracted politicians of our own day, who, delighted with the liberty and privileges this country at present enjoys, above every other land in Europe, conceive it impossible for rational freedom to exist, but under a monarch, and while they detest an illegitimate despot, are equally afraid of an uncurbed republican.

which side the covenanters would adhere, Charles, as he had always encouraged, now entered more decidedly into the sanguinary and atrocious proposals of Montrose, who, taking advantage of the total failure of all Hamilton's moderate counsels, seized the opportunity to press more eagerly his own desperate and dazzling, but imprudent and fatal schemes. He represented, that for upwards of twelve months, he had unceasingly pointed out to his majesty, and his royal consort, the appearance and certainty of this storm, and reckoned it one of his greatest misfortunes, that his fidelity had obtained no credit with so good a master. His affairs were now brought into a state of jeopardy, which might have been easily prevented, had not his majesty relied on such persons, as under colour of his authority, had bound up the hands of some, and under a pretence of his interest, led on others to such measures, as had naturally at last brought on a rebellion, and who, although they had an army at their command, had yielded every thing to the rebels, without drawing a sword. Yet, although matters seemed in such a doubtful state, he pledged himself, if fully empowered, either to reduce the rebels to obedience, or lose his life in the attempt.

In consequence of this conversation, the king desired the earl to mature a plan, and lay it before him. In two days, Montrose returned to the king, and after stating the difficulties to be surmounted in the present state of Scotland, the whole of the country being at the beck of the covenanters, who had garrisoned every strong place, and were abundantly supplied with men, money, arms, ammunition, provisions, and every requisite for carrying on the war, besides being in alliance with the English rebels, while he possessed neither men, arms, nor money; yet, if his propositions were acceded to, he did not despair of success, and at all events, his majesty's affairs could be in no worse a case than they were. He desired, first, that a body of Irish should be landed on the west coast of Scotland; secondly, that the marquis of Newcastle, who commanded in the northern districts, should furnish him with a party of horse, to enter the south of Scotland, and convey himself into the heart of the kingdom; thirdly, if possible, he should obtain from the king of Den-

mark, some troops of German cavalry; and lastly, that a quantity of arms should be provided somewhere abroad, and transported into Scotland.\* This project, which was only a continuation of the York conspiracy, was ratified by the king, who gave his commission to Montrose, and his consent to the introduction of ten thousand Irish papists into Scotland, to assist the enterprise. Whatever may have been Charles' share in the massacre of the protestants—and in the most favourable view of the circumstances, it can only be alleged, that he did not order all the murders which were committed—his authorizing the introduction of such miscreants, stained so deeply with the blood of their countrymen, into Scotland, with the full view of all their late atrocities before him, involves a degree of guilt and of ferocious barbarity, which nothing can extenuate, nor have his apologists ever attempted to excuse; and the man who headed them, too, has been extolled as a hero! the gallant Graham!

Amid the preparations for mortal strife, the ecclesiastical combatants for uniformity, were not idle. The first visit of the Scottish ministers to London, had greatly diffused presbyterian sentiments, which were widely embraced by the preachers in the metropolis, and in the neighbourhood; but freedom of religious inquiry, had not tended to increase the number of presbyterians alone, independents, anabaptists, and various other denominations, increased along with them; and, when parliament resolved to inquire into the abuses of the episcopal hierarchy, a petition was presented by some ministers in London, 1641, that his majesty should be solicited to call a synod, that all points connected with ecclesiastical government, might be freely considered, and the commons accordingly mentioned it in the remonstrance, as their desire, “that there might be a synod of the most grave, pious, learned, and judicious divines of this island, assisted with some from foreign parts, professing the same religion with us, who may consider of all things necessary for the peace and good government of the church, and to represent the result of their consultations, to be allowed and confirmed,

\* Wishart's Memoirs, p. 48. Baillie's Letters, vol. i. p. 429.

and to receive the stamp of authority." To this, the king did not at first express much reluctance; but the treaty at Oxford, having failed, the two houses, desirous of gratifying their Scottish allies, converted their bill into an ordinance, and convened the assembly by their own authority, without waiting for his sanction, assigning, as their reason, that the form of church polity then existing, was an evil, justly offensive and burdensome to the kingdom. The assembly was to consist of thirty lay-assessors, ten lords, twenty commoners, and one hundred and twenty-one divines, nominated by parliament, to confine their ecclesiastical jurisdiction entirely to the object of the ordinance, and if any difference of opinion should arise, to report it, with their reasons, to either of the two houses, that proper directions for its proceedings might be given.

Before the assembly met, the king proclaimed it illegal, and prohibited the persons mentioned in the pretended ordinance, from obeying it. Notwithstanding this, however, about sixty-nine appeared in king Henry VII.'s chapel, the first day, but among these, were only a few of the numerous episcopalian clergy, named by the impartial parliament, and they very speedily withdrew.\* To this synod, well known as the Westminster Assembly of Divines, the general assembly of the church of Scotland, as formerly mentioned, had sent commissioners, who reached London about the middle of November. On their arrival, they applied to both houses, for a warrant to sit in the assembly, without which, no man was allowed entrance. This they obtained, as a matter of course, and were cordially welcomed by Dr. Twisse, the prolocutor, in a long speech, who complimented them upon their zeal and affection, in undertaking so tedious and hazardous a voyage, by sea and land,† at such a dangerous season of the year, upon their account, and directed them to the most convenient and honourable seats in the house.‡

\* Each of the members was allowed four shillings per day, for his attendance. They met, not in canonical habits, but in black coats and bands, in imitation of the foreign protestants.

† From Leith to London!

‡ Baillie gives the following account, of the manner and proceeding of

At first, the commissioners were requested to sit as members of the assembly, but declined, because, being deputed as representatives of the national Scottish church, to manage one particular subject—uniformity, they desired to be treated with, in this their public capacity. They were willing, as private individuals, to sit in the assembly, and occasionally give their opinion on the points in discussion, but they required a committee of lords, commons, and divines, to meet with them separately respecting uniformity, who prepared the subjects connected with it, for debate in the assembly. On doctrinal points, there was no difference, all

this remarkable assembly. “The like of that assembly, I did never see, and as we hear say, the like was never in England, nor any where is shortly like to be. They did sit in Henry VII.’s chapel, in the place of the convocation, but since the weather grew cold, they did go to Jerusalem chamber, a fair room, in the Abbey of Westminster, about the bounds of the college fore-hall, but wider at the one end, nearest the door, and on both sides, are stages of seats, as in the new assembly house at Edinburgh, but not so high, for there will be room but for five or sixscore. At the upmost end, there is a chair, set on a frame, a foot from the earth, for the master prolocutor, Mr. Twisse. Before it, on the ground, stands two chairs, for the two master assessors, Dr. Burgess, and Mr. Whyte; before these two chairs, through the length of the room, stands a table, at which sits the two scribes, Mr. Byfield, and Mr. Roborough. The house is all well hung, and has a good fire, which is some dainties at London. Foreenant the table, upon the prolocutor’s right hand, there are three or four ranks of forms. On the lowest, we five do sit, upon the other, at our backs, the members of parliament, deputed to the assembly. On the forms foreenant us, on the prolocutor’s left hand, going from the upper end of the house, to the chimney, and at the other end of the house, and backside of the table, till it come about to our seats, are four or five stages of forms, whereupon the divines sit as they please, albeit, commonly they keep the same place. From the chimney to the door, there are no seats, but a void for passage. The lords of parliament use to sit on chairs, in that end, about the fire. We meet every day of the week, except Saturday. We sit commonly from nine, to two or three, afternoon. The prolocutor, at beginning and end, has a short prayer.” “Ordinarily, there will be present, about threescore of their divines. These are divided in three committees; in one whereof, every man is a member. No man is excluded, who pleases to come to any of the three. Every committee, as the parliament gives order in writ, to take any purpose to consideration, takes a portion, and on their afternoon meeting, prepares matters for the assembly, sets down their minds in distinct propositions, backs their propositions with texts of scripture. After the prayer, Mr. Byfield, the scribe, reads the proposi-

the members coincided in the creed, usually termed Calvinistic, which they held in common with the reformed churches abroad, and which had, in its fundamental articles, formed the leading features of the preaching of all the fathers of the reformation. On church order and discipline, they were divided. At first, a majority were inclined to a moderate and simple episcopacy, which, resigning its temporal power, would not have pressed too keenly the objectionable parts of the ritual. A considerable number favoured presbytery, and a few were independents. There were no professed anabaptists present, but their numbers were considerable in the city, and, as they only differed from the inde-

tions, and scriptures, whereupon the assembly debates, in a most grave and orderly way. No man is called upon to speak, but who stands up of his own accord. He speaks so long as he will, without interruption. If two or three stand up at once, then the divines confusedly call on his name, whom they desire to hear first. On whom the loudest and maniest voices call, he speaks. No man speaks to any, but to the prolocutor. They harangue long, and very learnedly. They study the question well beforehand, and prepare their speeches, but withall, the men are exceedingly prompt and well spoken. I do marvel at the very accurate and extemporal replies that many of them usually make.

"When, upon every proposition by itself, and on every text of scripture that is brought to confirm it, every man who will, has said his whole mind, and the replies, and duplies, and triplies are heard, then the most part calls to the question. Byfield the scribe, rises from the table, and comes to the prolocutor's chair, who, from the scribe's book, reads the proposition, and says, as many as are in opinion, that the question is well stated in the proposition, let them say *I*; when *I* is heard, he says, as many as think otherwise, say *No*. If the difference of *I* and *No* be clear, as usually it is, then the question is ordered by the scribes, and they go on to debate the first scripture alleged for proof of the propositions. If the sound of *I* and *No* be near equal, then says the prolocutor, as many as say *I*, stand up; while they stand, the scribe and others number them in their minds, when they are set down, the *Noes* are bidden stand, and they likewise are numbered. This way is clear enough, and saves a great deal of time, which we spend in reading our catalogue. When a question is once ordered, there is no more of that matter, but if a man will deviate, he is quickly taken up by master assessor, or many others, confusedly crying, speak, to order. No man contradicts another, expressly by name, but most discreetly speaks to the prolocutor, and, at most, holds on the general, as the reverend brother, who lately, or last spoke on this hand, on that side, above, or below—they follow the way of their parliament." Letters, vol. i. p. 599, 400.

pendents respecting infant baptism, their opinion gave weight to the sentiments of the others on church government. There was, besides, another party stigmatized as erastians, from Erasmus, a German Theological writer, who, without adopting any exclusive mode of church government, asserted that the pastoral office was only persuasive. They were, therefore, for restricting entirely the ministers to their ministerial functions, without any power of the keys annexed. The Lord's Supper and other ordinances of the gospel, were to be open and free to all, the minister might dissuade the vicious and unqualified from the communion, but might not refuse it, or inflict any kind of censure, the punishment of all offences, either of a civil or religious nature, being reserved to the magistrate.

Previously to the arrival of the Scottish commissioners, episcopacy had been abolished, and the covenant having been afterward sworn, the presbyterians acquired a considerable accession of numbers and sway, but unfortunately, untaught by persecution, in prosperity, they adopted the principle and the spirit from which they had suffered, and refused to tolerate in their protestant brethren, men of irreproachable character, acknowledged learning and piety, agreeing with them in the essentials of Christianity, a system of church government different from their own. The independents also had suffered persecution for conscience' sake, and were still a minority. They defended now, what they afterwards maintained when they enjoyed the favour of government, the great principle, that among all Christian states and churches, there ought to be vouchsafed, a forbearance and mutual indulgence to saints of all persuasions, that keep to, and hold fast, the necessary foundations of faith and holiness; and, that all professing Christians, with their errors that are purely spiritual, and intrench and overthrow not civil society, are to be borne with, and permitted to enjoy all ordinances and privileges, according to their light, as fully as any of their brethren who pretend to the greatest orthodoxy.\*

The divine right of presbytery, came early into considera-

\* Preface to the Savoy declaration.—See Orme's Life of Owen, ch. xi.

tion, and the office of ruling elder, as forming a strong pillar of the system, was keenly contested for several days. One of the Scottish divines, professed his “marvelling at the great learning, quickness, and eloquence, together with the great courtesy and discretion of their opponents;” but, notwithstanding, the assembly found, that, besides ministers of the word, there are other ecclesiastical rulers to join with them in the government of the church. The difficulty, however, with which this was gained, taught them caution, and they reserved the grand trial of strength, on the question of independency, till the advance of the army, which the same divine, candidly confessed to his private correspondent, “he expected would much assist their arguments.” \* To the movements of that army, it will now be necessary to direct our attention.

\* “On no other point, expect we so much difficulty, except alone on independency, wherewith we purpose not to meddle in haste, till it please God to advance our army, which we expect will much assist our arguments.” Baillie’s Letters, vol. i. p. 402.

THE  
**HISTORY OF SCOTLAND.**

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Book VIII.

As soon as their preparations were complete, the Scottish troops were put in motion, and, about the middle of the month of January, 1644, they assembled at Harlaw, in the neighbourhood of Berwick, eighteen thousand foot, and three thousand five hundred horse. On the 13th, a committee from the two houses, arrived at headquarters, and having joined a committee, appointed by the estates, they, under the name of the committee of both kingdoms, superintended and directed the operations of the army.\* On the

\* The following, was the allowance made to officers and soldiers, horse and foot, in the Scottish army, for their entertainment on their march, or as they should be quartered in England. Major of horse, 3*p* day, 6*/*; root [route] master, or captain, 6*/*; lieutenant, 4*/*; cornet, 2*/6*; corporal, quarter-master, and trumpeter, 1*/6*; a trooper, for himself, 1*/*, for every horse-officer, or trooper, for his horse, five sheaves of straw, or a stone of hay, at 4*d.*, and oats, a measure of three gallons, English, 6*d.* Lieutenant colonel of foot, 3*p* day, 5*/*; major, 4*/*; captain, 3*/*; lieutenant, 2*/*; ensign, 1*/6*; quarter-master and serjeant, 1*/*; corporal and drummers, each 8*d.*; common soldiers, 6*d.*; drivers, same as common soldier, and for carriage horse, three pennyworth of straw or hay, and a groats worth of oats. Officers of dragoons—lieutenant colonel, 3*p* day, 6*/*; major, 5*/*; captain, 4*/*; lieutenant, 3*/*; ensign, 2*/6*; serjeant, 1*/4*; corporal, and drummer, 10*d.*; dragooner, 8*d.*, and for his horse, three pennyworth of straw, and a groats worth of oats. Spalding gives us the outfit of the soldiers furnished by the burghs, at their expense. “Ilk soldier was furnished with twa sarks, coat, breeks, hose and bonnet, bands and shoone; a sword and musket, powder and ball, for so many, and other some, a sword and pike, according to order; and ilk soldier to have six shillings (Scots) every day, for the space of forty days, of loan silver; ilk twelve of them, a baggage horse, worth fifty pound, a stoup, a pan, a pot for their meat and drink, together with their hire, or levy or loan money; ilk soldier estimate to ten dollars.” Troubles in Scotland, vol. ii. p. 150.

19th, they broke up, and entered England, and, on the day after, sent a letter to the officers and gentlemen of Northumberland, informing them of their march, and desiring their co-operation. In consequence, a consultation was held on the conduct to be pursued by the loyalists:—Whether in that extremity, they should lay waste and destroy the country, to prevent its affording shelter or accommodation to the invaders; return a civil answer to their letter; or fight the enemy. The Yorkshire officers advised rendering the district a desert, falling back upon the royal army, and transmitting the communication of the committees, to his majesty, or at least, to the marquis of Newcastle, the commander-in-chief, without making any reply. The Northumbrian gentlemen, whose estates must have suffered the penalty, would not consent to their county being made desolate, and they wished to return a respectful answer. All were of opinion, that they did not possess the means of resistance in the field; yet, the former obtained that a harsh reply should be returned, and, that the bridge of Alnwick should be fortified, and an attempt made to defend it; but a division of the Scottish force, under general Baillie, which had marched from Kelso, by Wooler, approaching, Sir Thomas Glenham retreated, without any show of opposition, to Newcastle, and the army advanced without any other interruption, to Morpeth, except what proceeded from the state of the roads, and the weather. The roads were unformed, and the snow, which had fallen very deep, melted by a thaw, swelled the rivulets to torrents, and overflowed almost the whole level lands, and in their fatiguing and tardy progress, the foot soldiers frequently marched in water, up to the middle, sometimes with it higher.

Cocquet island was taken possession of by the marquis of Argyle, likewise without opposition, and general Leslie, after remaining five days at Morpeth, to refresh his troops, advanced upon Newcastle, which he summoned to surrender, in the name of the committee of both kingdoms, (February 3d.) The marquis of Newcastle, who had thrown himself into the town, invigorated the resolution of the garrison, a resolute defiance was returned, and the suburbs set on fire,

to attest their determination. The flames raged from Saturday till Monday, when a sortie was made by Sir Marmaduke Langdale, and colonel Fenwick, on two Scottish cavalry regiments, commanded by lord Balgonie, Leven's son, and lord Kirkcudbright. The Scots were at first thrown into disorder, and were moving off in confusion, but some English, who had been sent to attack them in rear, and intercept their retreat, were suddenly checked, by finding that they had countermarched, and unexpectedly presented to their enemies, a ready and determined front. Colonel Brandling, who commanded, seeing this, rode out in front of his troops, flourishing his pistol as a bravado. A lieutenant Elliot, from the Scots, accepted the challenge. Both having fired and missed, wheeled to engage sword in hand, when Brandling's horse stumbled; ere he could recover himself, his antagonist pushed him off, and took him prisoner, at which, his men, who were spectators of the affront, discouraged by the fate of their leader, took to flight, and left to the Scots, the honour of the day.

Their situation, however, became exceedingly critical, they found they could make no impression upon the town, before which they had lain a fortnight; their provisions were running short, and their spirits declining for want of employment; they, therefore, determined to pass the Tyne, leaving behind them, a body of foot, with some troops of horse, under major-general, Sir James Lumsden, to keep the garrison in check. Accordingly, on the 22d, they broke up, and after bivouacking for some nights, crossed on the 28th, at three different fords, and resting on the Sabbath, entered Sunderland next day. Meanwhile, the marquis of Newcastle, re-enforced with infantry from Durham, and twelve troops of horse, from Yorkshire, watched their motions with an army of fourteen thousand men; but the Scottish being advantageously posted, the marquis, not deeming it prudent to attempt an attack, resolved to retire to Durham, with the intention of straitening their quarters. At this period, they were much distressed for want of provisions; three, of five vessels, which had been sent from Scotland to supply them, having been cast away, and the other two, driven by stress

of weather, into the Tyne, were seized by the enemy, so, that frequently, they were almost wholly deprived of the necessaries of life, and never had more than twenty-four hours supply at a time. In consequence, they again moved nearer Newcastle, where they might secure subsistence for the men, but here they were reduced to a harassing dilemma; if they remained, it was true they could procure provisions for their soldiers, but they could obtain no provender for their horse; if they advanced with their cavalry, they might secure forage, but could not command provisions; and if they separated the infantry would be exposed to the attack of a superior force, and the whole army to the hazard of being ruined in detail. The marquis decided their deliberations, by advancing in battalia to Hilton, on the north side of the river Weare, two miles and a half from Sunderland. The Scots immediately drew out to meet them, and during the day, they continued fronting each other, till night fall, when the cannon began to play, and the musketeers, in skirmishing parties, endeavoured to dislodge each other from the hedges and enclosures, behind which they had sheltered themselves, and continued the desultory contest with considerable slaughter, till darkness put an end to the affair. Next day, the royalists commenced a retreat, harassed by a party of Scottish horse, and Leven advanced with his whole army to more plentiful quarters, between Hartlepool and Durham, where he continued quietly till the 8th of April, when a disaster of the royal army in Yorkshire, occasioned their opponents to march thither.

At the time Newcastle marched to observe the motions of the Scots, he left colonel Bellasis governor of York, and commander of a very considerable force in the county, but not adequate to cope with the parliamentary forces, if united. The committee of both kingdoms, when apprized of the marquis' movements, judging it a favourable opportunity for reducing the whole of Yorkshire, sent orders to lord Fairfax, and his son Sir Thomas, to effect a junction, and take advantage of the circumstance. Accordingly, the latter\* left

\* In consequence of the Irish cessation, Charles, in November, brought

Latham house, which he had been besieging, and hastened into Yorkshire, with two thousand horse, to join his father. Meanwhile, colonel Bellasis, who had learned their intentions from some intercepted letters, endeavoured to frustrate their design, but being attacked at Selby by their united forces, he was totally defeated, with great loss, himself, a number of officers, and fifteen hundred men, being taken prisoners, together with all their baggage and military stores.

On receiving this unwelcome intelligence, the marquis, finding himself in danger of being enclosed between two armies, the Scots, who were advanced within two miles of Durham, on the north, and the victorious Fairfax on the south, having collected all the forces that could be spared out of Newcastle and Lumley, left his heavy baggage, and what provisions did not admit of easy transport, behind him, and in much alarm, commenced a hasty march for York, followed by the earl of Leven, who successfully attacked his rear upon their march. The Scottish and parliamentary armies uniting at Tadcaster on the 20th, proceeded to York, which they immediately invested; but their numbers were not sufficient to beleaguer the city on both sides, for the marquis having a powerful cavalry—between four and five thousand—and possession of the bridge, which enabled him to attack them on either quarter, or if they divided their forces, to assail one part with the whole of his, it was judged expedient, to order the earl of Manchester—late lord Kimbolton—out of the associated counties, to come to their assistance. Manchester, who had raised in the former year an army to co-operate with Cromwell, having joined that daring and skilful officer, ap-

over part of the troops, who had been sent to that country, to crush the rebellion, to aid him now in putting down the parliament, and thus practically gave the lie to all his professions respecting his anxiety to punish the cruelties they had perpetrated. These troops were defeated by Sir Thomas, about the time the Scots entered England, and the greater part of the prisoners who were taken, detesting the royal cause, joined the parliament, and augmented the force of the king's enemies, while he incurred all the odium of the transaction, and which he had trusted to his success to wipe away. After this achievement, Sir Thomas went to Lancashire, and besieged Latham house, which was gallantly defended for nineteen weeks by the countess of Derby, till prince Rupert raised the siege.

pointed him his lieutenant-general, and was now at the head of fourteen thousand men, a force not more distinguished by their gallant exploits, than by their excellent discipline. On the 3d of May, he sat down before Lincoln, and after some resistance, made himself master of the lower part of the city, the besieged retreating to the minster and castle, on the top of a high hill. On the 7th, between two and three o'clock in the morning, on an appointed signal, six pieces of ordnance being fired at once, an assault was made, and in spite of a gallant resistance, the works were carried by storm, but on a cry for quarter, in the heat of action, quarter was given. The governor, Sir Francis Fane, with a number of officers, seven hundred foot, and about one hundred horse, were made prisoners. All their ammunition and arms, with six pieces of ordnance, fell into the hands of the victors, whose loss was only eight killed, and about forty wounded.

Encouraged by this success, he opened a communication with the confederated army, by constructing a bridge of boats near Gainsborough, which he fortified, and protected with two regiments of foot. Across the bridge he pushed three thousand horse, to watch, in conjunction with other two thousand despatched from the Scots and lord Fairfax, the motions of Sir Charles Lucas, who had been sent out of York by the marquis of Newcastle, with a strong body of cavalry, to forage in the neighbourhood. With the remainder of his army he advanced, and joined the besiegers. Hitherto York had been under a kind of blockade, and many petty skirmishes had taken place, but now the siege began to be more closely pressed, and new batteries erected to play upon the castle, tower, and town. Nor were the besieged idle, they kept up a brisk fire upon the enemy's works, and burned the suburbs, after withdrawing the people, that they might not afford them any shelter. Among the transactions of the siege, the Scots distinguished themselves, and with characteristic prudence, in an attack near Meikle-gate-bar, brought away a booty of cattle and horses. The most severe loss which occurred, arose from the misconduct of Crawford, Manchester's major-general, who was intrusted with a mine, which he exploded prematurely, and the rest of the army not expecting it at the

time, were not prepared to support him in the assault. The breach, though practicable, was resolutely defended, and the assailants finally repulsed.

All hopes of the besieged depended upon prince Rupert, who had greatly distinguished himself by his relief of Newark, the capture of Longford, and the storming of Bolton, at which last, however, his cruelty formed a striking contrast to the humanity of Manchester. The garrison was not only refused quarter in the town, but for miles round, the savage victors, in outhouses, fields, highways, and woods, put to death the unresisting fugitives. Liverpool also fell into his hands, and the unbridled soldiery were let loose upon the inhabitants, because the governor had wisely secured the military stores. An order from the king brought him from the scene of his victories, to attempt the deliverance of York.

Collecting all the forces he could on his route, and joined by Sir Charles Lucas, and the marquis of Newcastle, the prince advanced with an army nearly twenty thousand strong. Towards the evening of Sabbath, June 30th, the allied generals were first certainly apprized of his approach, and that, on that night, he would halt within about twelve or fourteen miles of their encampment. Instantly adopting the resolution of giving him battle, they raised the siege, and marched with their whole force to Marston moor—a great moor, five miles distant from York, on the south-west side of the Ouse—to intercept his progress, expecting that he would advance by this route; but the prince anxious to relieve the city, caused a party of his horse amuse the enemy near a bridge, while he dexterously threw himself into it, and brought his army within five miles, on the north-east bank of the river. Having effected his object, the marquis of Newcastle is said to have advised him to remain satisfied, and wait the issue of the dissensions, which he knew to exist in the enemies' camp, and the arrival of re-enforcements daily expected from the north. Rupert, in answer, told him he had the absolute command of his majesty to engage, and was bound in duty to obey. Whether the prince could have long avoided being brought to an engagement under more disadvantageous circumstances, or whether he judged rashly, in seeking a battle

while his army was flushed with victory, and he had the choice of the field, is a question of very little importance, and one upon which we are not now competent to pronounce, had he been successful—and he was very nearly so\*—the action might have decided the war, and ranked him among the first generals of his day; that he was not so, does not prove that he acted unskilfully in his manœuvres, or unwisely in his hazard, when the stake was so high.

Disappointed in their expectations, by the adroitness of their opponent, the parliamentary army resolved to march to Tadcaster, Cawwood, and Selby, on purpose to obtain the command of the river, prevent all supplies from the east riding, intercept his march southward, and hem him in, as the earl of Denbigh, with the Lancashire forces, were advancing from the west. It appears pretty evident, had this plan succeeded, that prince Rupert's army, accustomed as it had been to licentious indulgence, would have perished without a blow. To wait, did not suit the temper of the prince, more than his situation, and on the 2d of July, when the combined army were on their march to Tadcaster, the Scots in front, and had arrived within a mile of the town, about nine o'clock in the morning, notice was given, that the van of his army, five thousand horse, had arrived on Marston moor, and pressed hard on their rear, while he was arranging the rest in order of battle. The march of the confederates was immediately countermanded, and orders issued to prepare for an engagement; but the prince had possession of the moor, and they were forced to draw up part of their men in a field of rye adjoining; their right leaned upon the town of Marston, and the line extended about a mile and a half fronting the moor. Between two and three o'clock, both armies were formed, their numbers nearly equal, each being about twenty-five thousand men. The royal army was commanded by Rupert on the right, by Sir Charles Lucas, and colonel Harvy on the left, which consisted of horse; the centre was under generals Goring, Porter, and Tilyard—where the mar-

\* When the fate of the day was determined, prince Rupert is reported to have said, “I am sure my men fought well, and know no reason of our rout but this, because the devil did help his servants.” Rush. vol. v. p. 637.

quis of Newcastle fought, is uncertain. The right wing of the confederates, composed of horse, partly Scottish, was commanded by Sir Thomas Fairfax; the left, likewise cavalry, was under the direction of Manchester, and Cromwell, his lieutenant-general, assisted by major-general David Leslie. The centre was led by lord Fairfax on the right, and the earl of Leven on the left. As the prince's line extended in front somewhat beyond theirs, the Scottish dragoons, under colonel Frizzle, were stationed to secure the left flank. The field-word of the prince was, God and the king, that of his opponents, God with us. At three o'clock, the great guns began a distant cannonade, but without much effect. About five they ceased, and both lines being completely formed, an awful stillness succeeded, each in silent, breathless, expectation, waiting the signal of attack; for a ditch and bank, which intersected the field between the combatants, rendered the first assault on either side, disadvantageous. At last, the earl of Manchester's foot, and the Scots of the main body, advanced in a running march, cleared the ditch, and came briskly to the charge. The horse then rushed forward to the shock. Prince Rupert in person, with his first division, encountered Cromwell. The conflict was severe and long; the troopers fought with ardour, hand to hand, under the immediate eye of their leaders, till at last Cromwell's irresistible band, although attacked on front and flank by the flower of the cavaliers, broke through, and being nobly seconded by Leslie, the whole of the cavalry in the right wing were put to flight. While Manchester's foot keeping pace with them, went along by their side, cutting down, and dispersing the infantry. The marquis of Newcastle's regiment alone, distinguished by their white uniform, disdained to fly, and their dead bodies covered the space they had occupied while alive.

On the other extremity of the lines, the fortune of the day was reversed, for although Sir Thomas Fairfax, and colonel Lambert, with five or six troops, charged through the royalist, and reached their own left wing, Harvey succeeded in defeating the remainder. He furiously assaulted lord Fairfax's brigade, which was thrown into disorder by the new raised regiments, who being put to flight, wheeled back upon it, and not only

broke their ranks, and trode down the Scottish reserve; but threw the whole right into such irretrievable confusion, that they left the field, and fled to Tadcaster, carrying with them the news of a total defeat. The others were proceeding to seize the carriages, when Cromwell with his horse, and Manchester's foot, returned from pursuing the prince's right wing, perceiving the disaster of their friends, advanced in good order, to charge the victors, who observing their approach, gave up the plunder, and prepared to receive them, both sides not a little surprised to find they must again contend for a prize each imagined they had already won. The face of the field was now exactly counterchanged, and each army occupied the ground which had been possessed by the enemy at the beginning of the day. The royalists marched intrepidly from the rye field, out of which they had driven their opponents, to attack the parliamentary troops, who were ranged on the moor. The second encounter was deep and bloody, but short and decisive. Before ten o'clock, the united army was triumphant, and the shattered remains of the royalist sought refuge in York. The whole baggage, artillery, and military stores, with above a hundred stand of colours,\* fell into the hands of the conquerors, besides fifteen hundred soldiers, prisoners, and about a hundred officers, among whom were Sir Charles Lucas, generals Porter and Tilyard, and lord Goring's son. They estimated their own loss about three hundred, and that of the royalists at upwards of three thousand buried in the field.

Disaster produced dissension among the vanquished. Newcastle, a nobleman too indolent for the constant occupa-

\* Among the colours sent to parliament, were, Prince Rupert's standard, with the arms of the palatine, near five yards long and broad, with a red cross in the middle. A black coronet, with a black and yellow fringe, and a sword brandished from the clouds, with this motto, *Terribilis ut acies ordinata*. A willow green, with the portraiture of a man holding in one hand a knot in the other a sword, and this word, *This shall untie it*. Another coloured with a face, and this motto, *Aut mors aut vita decora*. A yellow coronet in its middle, a lion couchant, and behind him a mastiff, seeming to snatch at him, and in a label from his mouth, written Kimbolton: at his feet little beagles, and before their mouths written *Pym, Pym, Pym*, and out of the lion's mouth these words, *Quousque tandem abutere patientia nostra*.

tions of the field, and disgusted with warfare, when active exertion took place of pomp and circumstance, unwilling also to brook the superiority of Prince Rupert, next day after the battle, embarked with his family and friends for the continent. Rupert, rallying what forces he could, retired into Lancashire. Dissensions were not, however, confined to the vanquished. The independents, dreading the encroaching spirit of the presbyterians, who relied so much on the support of their arms for the success of their principles, ascribed the whole merit of the victory to Cromwell; the presbyterians, who deprecated as the most fatal curse, that toleration which the others advocated, decried unjustly Cromwell's merit, and claimed the whole praise for David Leslie,\* and this spirit of rivalry spread widely, both in the camp and in the council, till the presbyterians were expelled from the army, and outvoted in the parliament.

On the night after the battle, the combined army kept the field, and on the 4th, having resumed the siege of York, summoned it to surrender at discretion, but Sir Thomas Glengham replying, that he could not yet yield it upon such terms, the batteries were again planted; every renewed effort to reduce the place, was resisted with vigour, till on the 11th, when they had made their approaches close to the very walls, and prepared their ladders for storming, the besieged desired

\* Baillie, in writing of this victory to his brother-in-law, repeatedly expresses his chagrin. On the first arrival of the intelligence he says, "The independents sent up one quickly, to assure that all the glory of that night was theirs, that they and their major-general, Cromwell, had done it all their lone; but captain Stewart afterward showed the vanity and falsehood of their disgraceful relation." "The disadvantage of the ground, and violence of the flower of prince Rupert's horse, carried all our right wing down, only Eglington kept ground there to his great loss; his lieutenant, Crowner, a brave man, I fear shall die, and his son, Robert, be mutilated of an arm. Lindsay had the greatest hazard of any, but the beginning of the victory was from David Leslie, who, before was suspected of evil designs, he, with the Scots and Cromwell's horse, having the advantage of the ground, did dissipate all before them." Afterward writing to his friend Mr. Blair, who was serving as a chaplain with the army. "We were both grieved and angry that your independents there should have sent up major Harrison, to trumpet over all the city their own praises to our prejudice, making all believe that Cromwell alone, with his unspeakable valorous regiments, had done all that service.

a parley, and the garrison surrendered, upon condition of being allowed to march out with their baggage, and the honours of war.

After the surrender of York, it was agreed, that the three armies should separate; lord Fairfax to remain governor of the city, and secure the county, but to despatch a thousand of his horse into Lancashire, to join with the forces of that county, Cheshire, and Derbyshire, watch the motions of prince Rupert, and attempt the reduction of Liverpool; the earl of Manchester to march towards Lincolnshire, and recruit his army in the associated counties; and the Scottish army return northward, to meet the earl of Callander, who was expected with an additional force of ten thousand men, and again attempt the town of Newcastle, the possession of which was requisite not only for keeping open a direct communication with Scotland, but also for supplying London with coals, the want of which had already begun to be severely felt in the capital.

Callander, who had already entered England, and taken Hartlepool and Stockton, advanced to Newcastle on the 26th of July, before which he sat down; after some severe skirmishing, he possessed himself of Gateside, and on the 10th of August, was joined by the earl of Leven. The town was resolutely defended by Sir John Morlay, till the middle of

See by this enclosed, if the whole victory, both in the right and left wing, be not ascribed to Cromwell, and not a word of David Leslie, who, in all places this day, was their leader." Major-general Crawford, who was a presbyterian, and envious of Cromwell, stated that he, Cromwell, being wounded, retired from the field, and was not present at the second attack. Of this there is no proof; Cromwell was wounded, but it does not appear that he was for a moment absent from the head of his regiment. Hollis indeed says, Mem. p. 15. "Cromwell having got a slight wound in the neck, Crawford sent him out of the battle, and brought his brigade, then in great confusion, to charge again on the enemy." But this is merely a repetition of Crawford's story, and carries its own contradiction along with it. Cromwell's personal courage admits of no doubt, and his anxiety to distinguish himself would never allow him to retire from the field on a slight occasion. The ascendancy which from this time he attained in the army, and in the parliament, sufficiently attest the importance of his services on this occasion; and his conduct in other engagements, shows that he did not need David Leslie to lead him on the road to victory.

October, when the works being pushed forward, and preparations in readiness for an assault, the earl of Leven proposed terms to the besieged, but, after an interchange of messages for some days, they were finally rejected by the governor, in a contemptuous letter, on receipt of which the batteries opened furiously, and continued to play till nightfall, when all the mines being exploded, the Scots entered the breaches with great intrepidity, amid a shower of shot from the castle, the flanking towers, and the musketry. Still the besieged made a vigorous resistance, and for two hours, maintained at the walls and in the streets, a desperate conflict: thrice the horse in the town charged the assailants, as they forced an entrance near the close gate, but they were steadily received, and repulsed by the troops who had gained admission, and the reserve coming up, the garrison fled in every direction.

Yet, although they had met with such determined resistance, and suffered so severely on storming the place, no acts of atrocity, stained the conquerors in the hour of victory, nor did they sully the honour they had gained, by any cold blooded deed of revenge afterwards. The castle in which the governor, the earls of Crawford, Rea, and lord Maxwell, had sought refuge, surrendered at discretion, when the former was sent to London to be tried, and the three Scottish noblemen, to their native country, to be disposed of by the estates.\* Tynemouth castle, immediately after, capitulated, the cannon and stores to be delivered up, and the soldiers, with their private baggage, to return to their homes, and submit to parliament. In Cumberland and Westmoreland, the people rose upon the commissioners of array, who endeavoured to enlist them for the king during the siege, and sent them prisoners to Leslie.

Agreeably to their projected plan of operations, the high royalists in Scotland, as soon as the army moved into England, attempted to create such a diversion, as would either overthrow the power of the estates in their absence, or force them to be recalled for their support. Huntly, who received a commission from Charles, had along with the other suspected

\* Rushworth, vol. v. p. 651. Whitelock, p. 104.

noblemen, been required to take the Solemn League and Covenant, about the end of the year, 1643, but refused; having signed one covenant already, at the king's command, he would not, he said, sign another without it. An order was then, in accordance with the act of the estates, issued for his apprehension, and the sequestration of his lands. The sheriff having intimated this, at the castle of Strathbogie, the marquis began to prepare for resenting the affront; some of his adherents, among whom were Irvine of Drum, and the laird of Haddow, forcibly entered Aberdeen, with a troop of sixty horse, and after galloping through the streets, by way of bravado, plundered the house of one of the baillies, of his gold rings and chains, and seized, and carried off the lord provost and magistrates, as prisoners to Strathbogie. After securing the prisoners, Huntly proceeded himself, in martial order, to Aberdeen, which he plundered of all the arms and ammunition he could find, and issued two proclamations, one justifying his seizure of the provost and magistrates, as disaffected to his majesty, and the other, a declaration of hostility against the covenanters. Earl Marischal, immediately summoned the committees of Angus and Mearns, and sent a mandate to the marquis, to dismiss his followers. But the marquis, trusting to the assurances he had received from Montrose, Crawford, and Nithsdale, that they would find sufficient employment for the covenanters, in the south, sent an insulting reply to the committee, requiring them to disperse, and not interrupt the peace of the country. Intending to fortify Aberdeen, he made several ineffectual attempts to procure cannon from a ship of war in the roads, but disappointed in this, he despatched a force of about three hundred horse and foot, headed by Irvine, younger of Drum, his son-in-law, and major Nathaniel Gordon, to seize upon some brass cartoons\* lying at Montrose. The inhabitants, who had been informed of the intended visit, had lighted fires upon the tops of the steeple, to alarm the country, and remained under arms, expecting their arrival. About two o'clock in the morning, they entered the place with their trumpets

\* Small cannon.

sounding, the common bell at the same time ringing, to summon the town's people, some of whom received them bravely in the streets, while others fired from the "foreshots" briskly upon them; they, however, succeeded in clearing the causey, and gaining possession of the guns. A vessel was lying dry in the harbour, and the captors bargained with the provost for her, to carry them north to Aberdeen; but when she began to float, and the cannon were brought to the beach, the provost, who had shipped his own property on board, saluted the Huntleans with a round of grape and musquetry, which forced them to retire with unexpected precipitation. Drum then returned to the town, and let loose the Highlanders, who, possessing a natural genius for thieving, soon stript the merchants' booths, of their rich merchandise, cloths, silks, velvets, gold and silver work, and arms; and accidentally lighting on a pipe of Spanish wine, they, after carousing heartily, left Montrose pillaged and half ruined—having twice set it on fire—and in high spirits, proceeded to Corratchie, in expectation of being joined by the earl of Airly; but he had heard of the marquis of Argyle's advance, and refused them admittance. They then returned in disorder to Aberdeen.

The covenanters now beginning to assemble in formidable numbers, the marquis assembled a council of his friends, and informed them, that he had been induced to take the field, by the assurance of an army from the south, coming to his assistance, and, in hopes of several of the lords in the north rising to join him, besides, the reliance he had placed on the people of the country, who, he imagined, would have flocked eagerly to his banner, as they were grievously groaning under the tyranny of the estates, but he found that he had been deceived in his information, and had too rashly engaged in an enterprise which he had not the means of rendering successful. To give battle to such a force as was coming against him, would be madness; he, therefore, could only propose, to hang upon their flanks, harass their stragglers, and live at the expense of the enemy, and, if too hardly pressed, retire to the strengths of Strathbogie, Auchindown, or the Bog, and wait, in the hope of better fortune,

till succour should arrive from the king. To this proposal, his retainers readily assented. On hearing that his son, lord Gordon,—for, as was afterward common, the son and the father, were on different sides—was arming against him at Banff, he immediately proceeded thither, but finding that his fears in that quarter, were unfounded, he went home to Strathbogie, where his friends were assembled, with upwards of three hundred horse, and fifteen hundred foot. Among them, Gordon of Haddow, Irvine of Drum, and Sir George Drummond of Gight, urged him strongly to put his plan of harassing the enemy, into instant execution, but he said, he had changed his mind, as he saw his forces were unequal to the fray, to which, they tauntingly replied :—“ We have shown ourselves foolishly, and will leave the field shamefully; we never thought better would come of it,” and parted, each to shift for themselves, in high wrath. The marquis, next day, set the provost and magistrates of Aberdeen at liberty, and quietly retired himself to Auchindown.

Argyle, on his arrival at Aberdeen,\* learning that the laird of Haddow, with a number of his friends, had fortified themselves in the house of Kellie, marched thither with his army, and invested it; perceiving, however, that considerable time would be required to reduce it, he sent a trumpeter, offering pardon to all who were within, if they would surrender, except the laird. They, seeing no means of escape, accepted the conditions, Haddow twice attempted to treat, but could obtain no terms, and was obliged to throw himself on the mercy of the estates, which was the only favour Marischal, his own relative, could obtain for him. He was sent to Edinburgh, brought to trial, and executed on a charge of treason.†

\* Spalding, vol. ii. p. 196. Although a great enemy of the covenanters, Spalding, in his account of this expedition, mentions that the town of Aberdeen received good payment for the troops. Spalding, vol. ii. pp. 184, 202.

† Laing remarks, on this transaction, “ No blood had been shed in England, except in the field, and there hostilities had been conducted with the generosity peculiar to civilized nations, rarely experienced in external wars. But when the first triennial parliament met in Scotland, Gordon of Haddow, a man, obnoxious for his oppressions, was convicted of a treasonable insur-

Huntly, afraid lest he should have been constrained to revisit his old quarters at Edinburgh, removed secretly to the Bog of Gight,—now castle Gordon—accompanied by James Gordon of Letterfarrie, John Gordon, jun. of Auchmunziel, and John Gordon, alias, John of Berwick, whence he brought away some trunks, filled with gold, silver, and valuable apparel, these he intrusted to the care of James Gordon, and John of Berwick; but their attachment to their chief, was not proof against the temptation of such a treasure. Finding by accident, a vessel bound for Caithness, they shipped the boxes, and leaving their master to his shifts, set off with the spoil. The marquis, who had one thousand dollars still remaining, unable to carry them with him, left them in charge of an Alexander Gordon, and procuring a small boat, set out after the faithless runaways. In his absence, Alexander, as treacherous as the others, betrayed his trust. On landing in Sutherlandshire, the most powerful chieftain of the north, was glad to find shelter in a paltry alehouse. Next day, with one solitary attendant, he rode to Caithness, and procured a lodging with his cousin-german, Francis Sinclair, where he unexpectedly met Letterfarrie, “to whom he gave no thanks, but took order with his trunks, and dismissed him.” The day after, he proceeded by sea, to Strathnaver, where he remained in retirement, without molestation, till next year. Irvine, younger of Drum, the son-in-law of Huntly, attempting to make his escape with

rection with Huntly, and, in order to infuse a salutary terror into the royalists, was inhumanly executed.” Hist. of Scot. vol. iii. p. 276. Setting aside the inhumanities introduced when the king brought over the Irish troops into England, where no quarter was given, certainly no very generous mode of conducting civilized warfare, Mr. L. forgets, that captain Howard had been hanged by order of the parliament, and Turpin, a sea captain, by prince Rupert, who also executed fourteen clothiers, at Woodhouse, in Wiltshire. Ludlow, vol. i. p. 120. Rushworth, vol. v. p. 685. But Haddow’s offence, was not only the being in arms, he had violently carried away the magistrates of Aberdeen, and imprisoned them for collecting taxes; he was also accused of the murder of Stalker, and several other atrocities. The manner in which the king’s party carried on the war against the covenanters, required that some example should be made, to infuse a salutary terror into the royalists, and repress their wanton inhumanity.

his new married lady, was driven into Caithness, and a reward having been offered for him, he was basely delivered up, with his brothers, by the same Francis Sinclair, to whom the marquis had gone in his distress. War is ever accompanied by a sad deterioration of manners, but civil war, in general, exhibits in the treachery it introduces among friends, and the relentless cruelty it excites among opponents, a more degrading picture of our nature, than any other species of that malignant mischief.

Montrose, now decorated with the title of marquis, whose hyperbolical assurances, had excited the north to premature insurrection, made an abortive attempt upon the south. Accompanied by two hundred horse, which the earl of Newcastle had furnished, and some militia from the counties of Cumberland and Northumberland, he entered Scotland and erected the royal standard at Dumfries; but disappointed in his expectations from Ireland, and not being joined by any of the inhabitants, while the earl of Callander was preparing to come against him with the new levies, he withdrew into England, and, after pillaging Morpeth, he was summoned to join prince Rupert, then advancing to raise the siege of York, but before he could arrive, the battle of Marston-moor had been fought, and all hope of assistance from that quarter cut off. Unable to raise, even the appearance of an army, he dismissed his associates,\* with instructions to repair to the king, and adopted the only eligible plan left himself, that of proceeding to Scotland in disguise, to raise the highlanders, and await the arrival of the earl of Antrim's promised auxiliaries. To the king, after all his magnificent promises, he could not, and to the covenanters, after his detected treachery, he durst not go; it was, therefore, not an object of choice, but of necessity, whether he should proceed to the hills, as a romantic daring adventurer, rather than to court, as a deserted helpless fugitive, in the one case, he encountered danger, in the other, irremediable disgrace, nor was it without hazard.

\* These were the Ogilvies, Inneses, Grahams, and Dr. Wishart, who afterwards wrote, the Memoirs of Montrose; they were, however, taken prisoners in their way to the king, and sent to Scotland, where they remained in jail, till delivered by the battle of Kilsyth.

With two companions only, colonel Sibbald, and Sir William Rollock, he set out from Carlisle, for Scotland, habited as groom to Sibbald, and arrived safely at Tullibalton, near the foot of the Grampians, the residence of Patrick Graham of Inchbrakie, his most intimate friend. On the road, he was accosted by a Scottish soldier, who had served under the marquis of Newcastle, and recognised him, in spite of his disguise, but he gave him a piece of money, and the man kept the secret. Here he passed a week of anxious expectation, in solitary rambles among the mountains during the day, resting in an obscure cottage during the night, and, to his unspeakable mortification, learned that Huntly had been dispersed, without a blow, and was like himself, lurking in obscurity, in a wild corner of the land. Rumours of the approach of the Irish, at length cheered him; but instead of an army of ten thousand, only about sixteen hundred desperadoes, who had been trained to arms, and inured to murder, in the rebellion under Antrim, had landed under Alaster Macdonald, in Ardnamurchan, Argyleshire, and after spreading destruction and death throughout the whole district, destroying what they could not use, and burning what they could not remove, upon hearing that the marquis of Argyle was advancing against them, precipitately crossed to the isle of Sky, and thence to Kintail, in Ross-shire. At their landing, Macdonald sent a fiery cross\* through Moray, Ross, Caithness, and Sutherlandshire, ordering the whole country to attend the king's lieutenant, the lord marquis of Mon-

\* When a chieftain designed to summon his clan upon any sudden or important emergency, he slew a goat, and making a cross of any light wood, seared its extremities in the fire, and extinguished them in the blood of the animal. This was called the fiery cross, also *Crean Tarigh*, or the cross of shame, because disobedience to what the symbol implied inferred infamy. It was delivered to a swift and trusty messenger, who ran full speed with it to the next hamlet, where he presented it to the principal person, with a single word implying the place of rendezvous. He who received the symbol, was bound to send it forward with equal despatch to the next village; and thus it passed with incredible celerity through all the district which owed allegiance to the chief, and also among his allies and neighbours, if the danger was common to them. At the sight of the fiery cross, every man from sixteen years to sixty, capable of bearing arms, was obliged instantly to repair in his best arms

trose, under pain of fire and sword. The committee at Edinburgh, in return, as soon as they heard of Macdonald's proceedings, sent orders, that proclamation should be made at all the parish churches, and market places in the northern counties, to assemble the fencible men to oppose them. Ignorant of the situation or fate of their leader, and alike uncertain of their own destination, they traversed the wide range of Lochaber and Badenoch, receiving an accession of numbers from the clans, but no intelligence respecting the route they were to take, or the forces with whom they were to co-operate.

Montrose, better informed of their motions, presented himself in the common dress of the mountaineers, the trews and bonnet, accompanied by only one single attendant, to the surprised marauders, as they descended into Athol. At first, they could not believe, that one, so meanly habited, and so poorly accompanied, was the great general they had been led to expect, nor was it, till the respect paid him by the highlanders, who were acquainted with his person, convinced them that he was indeed the chief, that they would acknowledge his authority. His name attracted the men of Athol, and the party soon assumed the appearance of an army, which his eulogists, who, to magnify his valour, diminish his strength, estimate at three thousand. He instantly marched through Strathearn, and commenced his career, by plundering the lands, destroying the corn, and burning the houses of the hostile clan, Menzies. His situation was critical, and admitted of no delay. The marquis of Argyle was behind, in pursuit of the Irish, and between six and seven thousand troops, under the command of lord Elcho, were stationed near Perth. To prevent being hemmed in, it was necessary to move, retreat was impossible, as the passes were all in possession of the enemy, and the seas guarded by hostile vessels. In front, the troops were inferior to his own; the Irish were veterans, and the highlanders accustomed to irregular and accoutrements to the place of rendezvous. He who failed to appear suffered the extremities of fire and sword, which were emblematically denounced to the disobedient by the bloody and burned marks upon the warlike signal.—Notes to the Lady of the Lake, 8vo. edit. p. 333.

combat. But the levies under Elcho, were raw, untrained levies, officered by men who had never seen an engagement, and commanded by superiors, who were not unjustly suspected of disaffection to the cause; to advance, therefore, was his most prudent measure.

On his march, he was joined by lord Kilpont, son of the earl of Monteith, and Sir John Drummond, son of the earl of Perth, with five hundred men, who had been intrusted to them by the covenanters, for the defence of the country, against their savage invaders, but, who set an example of treachery, which was aptly imitated. Four miles west from Perth, the covenanters had drawn up their army, upon the large plain of Tippermuir, and awaited the descent of the enemy. Montrose arranged his troops, as preconcerted with some of the opposite leaders. The Irish, armed with muskets alone, he placed in the centre, and, as he had no cavalry, he stationed the highlanders, accustomed to the sword, and able to wield it with tremendous effect, on the flanks, to sustain the attack of the enemies' horse. But, at the first assault, the covenanters' horse fled; overpowered, says Wishart, by a shower of stones, or what is more probable, induced by the treachery of lord Drummond, and his friend Gask. Their flight, threw the ill disciplined foot, into instant and irremediable disorder, and they followed in such rapid and fearful confusion, that many expired through fatigue and terror, without the mark of a wound.\* The number slain in the engagement was small, but the rout was complete, and about three hundred were killed in the pursuit. The artillery, ammunition, and baggage of the vanquished, fell into the hands of the victors, whose loss was but trifling. Drummond and his friend, justified the imputation of treachery in the battle, by openly joining the marquis immediately after.

This victory, so opportunely gained, made Montrose master of Perth, and provided his troops with clothing and ammunition, of which they had previously only a very scanty supply. The town was plundered of money, goods, and whatever was necessary for the troops, or whatever articles were valuable and

\* Baillie, vol. ii. p. 94.

portable; but not being perfectly stripped, his historian has represented this usage, as a very "singular instance of clemency, to reconcile the people more effectually to the king," and merciful, it certainly was, in comparison of the sack of Aberdeen, yet the stoutest young men were impressed into the ranks, and all the horses fit for service, seized.\* After spoiling Perth for three days, he entered Angus, and his success attracted around him, the earl of Airly, his sons, Sir Thomas and Sir David Ogilvy, the earl of Kinnoul, lords Duplin and Spynie, and colonel Gordon, from the north, with a number of horsemen. Dundee, re-enforced by troops from Fife, refused to surrender at his summons, and, as he dreaded the approach of Argyle, he bent his steps northward, rather than risk his laurels in a doubtful siege.

Alarmed at his approach, the committee in Aberdeen, sent off the public money, and their most valuable effects, to Dunnottar, and collecting a force of about two thousand, seven hundred men, they threw up some fortifications at the bridge of Dee, expecting him to advance by that road. He crossed a ford farther up, at the mills of Drum, and halting, sent a summons to the town to surrender, but the covenanters' army being on their march, the messengers who brought the summons were hospitably entertained, and dismissed.

By some accident, the drummer, on his return, being killed, Montrose, in a rage, commanded an immediate attack, and issued the inhuman orders for no quarter.† Lord Burleigh, and Lewis Gordon, a son of Huntly's, led the covenanters' right and left wings, which consisted of horse, and the levies

\* Wishart's Memoirs of Montrose, p. 81.

† Spalding, Hist. vol. ii. p. 253. Baillie, vol. ii. p. 92. In an original letter from the ministers of Perth, respecting the surrender of that town, published in the Scots Magaz. Nov. 1817, the conditions upon which Perth surrendered, are stated to have been, that the town and parish should not be burdened with any thing against their conscience; that they should not be rifled or plundered; that none of their men should be pressed; that none of the Irishes should get entrie; and, that all their good neighbours should have a pass honestlie to quit the town.

† Spalding, vol. ii. p. 256.

of Aberdeenshire, a majority of whom were indifferent in the cause. The centre was composed of the Fife soldiers, and those that from principle had joined them. Montrose, still deficient in cavalry, had mixed his musketeers with his horse, and waited to receive the attack. Lord Lewis Gordon, a rash and headstrong young man, who had forced a number of the Gordons to engage in opposition to the inclination and orders of his father, rushed precipitately forward with the left wing, which being steadily saluted by a fire of musketry, a reception they did not expect, were suddenly checked, and before they could rally, were vigorously attacked and routed by the inferior numbers of the enemy's horse. The opposite wing experienced a similar fate, but the centre stood firm, and maintained their post for upwards of two hours, against the whole force of the enemy, whose cavalry, returning from the pursuit, joined in the assault. At last, the Aberdonians gave way, and having been directed to retreat to the town in case of disaster, they fled thither, while the relentless victors hotly pursuing, fulfilled to the letter, the injunctions of their leader, so consonant to their bosoms and practice, "killed all, and spared none." In the fields, in the streets, or in their houses, armed, or unarmed, no man found mercy; only, if he were well dressed, the savages first stripped him, to save his clothes from being stained with his blood, and then murdered him. "The plundering of our town, houses, merchants booths and all," says a loyal burgess, strongly attached to Charles, "was pitiful to see!" \*

Montrose, who had promised his soldiers the plunder of

\* Spalding ascribes this to the absence of the ministers, "because the ministers, through the guiltiness of their consciences, had fled." He is an admirer of Montrose, and a staunch friend, but he was an eye-witness of his atrocities. Some idea may be formed of the impartiality of Wishart's panegyric, who dismisses this terrible scene in a sentence. "Montrose having called back his men to their colours, entered the city, and allowed them two days rest to refresh themselves." Memoirs of Montrose, p. 91. Bishop Guthrie still more impudently asserts, that Montrose "showed great mercy, both pardoning the people, and protecting their goods." Memoirs, p. 158. Much as the presbyterian chaplains have been ridiculed, I believe it would be difficult to point out any proceedings, that bore the smallest resemblance in horror to the sack of Aberdeen, in any place where they were present.

the town, durst not let loose the whole army upon the inhabitants; he therefore returned to a body which he kept together for protection, and left the wretched place during the night to the mercy of the Irish, who revelled in unrestrained blood, lust, and rapine. They kept “ killing, robbing, and plundering at their pleasure, and nothing was heard but houling and crying, weeping and mourning, through all the streets.” Next day rose dismal on the desolated town, the dead were lying naked on the streets, and no one durst approach to bury them. But the havock did not cease even with the first horrible night; for four days were the inhuman monsters allowed to riot in all the wanton barbarity to which the scenes in their own country had accustomed them. If the wife or the daughter dared to weep at the assassination before their eyes, of a husband or father, their lives were the forfeit of their natural feelings, and not content with forcing the women they seized in the town, they carried others away to serve their brutal purposes in the camp. “ It is lamentable!” exclaims the writer already quoted, “ to hear how these Irish, who had gotten the spoil of the town, did abuse the same! They continued Friday, Saturday, Sunday, and Monday,” and all this in the presence, and under the immediate authority of the “ gallant Montrose,” who lodged in “ skipper Anderson’s” house. On Saturday he proclaimed prince Rupert regent of the kingdom, and himself his lieutenant-general. “ Sunday all day he stays, but neither preaching nor prayers was in any of the Aberdeens.” \*

Argyle’s approach forced the plunderers to leave the work of destruction; their leader, who expected to be joined by the marquis of Huntly’s retainers, marched north to Inverury; but the marquis himself being absent, his son with the covenanters, and his friends recollecting the insult he had formerly received from Montrose, together with the expectation of Argyle’s speedy advance, and the remembrance of his former visit, very few joined his banners. When he approached the Spey, he found the boats removed to the other side, and the whole force of Moray prepared to dispute the passage. In

\* Spalding, vol. ii. pp. 256-8.

this dilemma, no resource remained, but to seek refuge in\* the woods, and among the hills; but his rapid marches, and the tardy movements of his pursuers enabled him to reach in safety, though with the loss of his artillery and heavy baggage, the wilds of Badenoch, where, with diminished numbers—for the Highlanders returned home to secure their booty—he could bid defiance to the approach of horse. Being detained here for a few days, by an illness occasioned through over fatigue, as soon as he recovered, he descended again into Athol, to recruit, and despatched Macdonald with the Irish, on the same errand, into the Highlands, to invite the Mountaineers to join him, and force such as were unwilling to enlist. From Athol he entered Angus, and wasted the estates of lord Cupar, Balmerino's brother, plundered the place of Dun, where the inhabitants of Montrose and the surrounding country, had deposited their valuables for safety, and where he obtained a supply of arms and artillery. Argyle, whose talents were not adapted to the field, accompanied by the earl of Lothian, equally unskilled in military affairs, as his lieutenant, after having proclaimed him a traitor, and offered a reward of twenty thousand pounds for his head, followed, but at a distance, the footsteps of Montrose, and although possessed of a superior army, he performed the circuit of the Highlands, from Aberdeen to Inverness, through Strathspey, Badenoch, Athol, Angus, and Mearns, yet was never able to bring him to an engagement, or interrupt his progress.

Increased in numbers, Montrose suddenly repassed the Grampians, and spreading devastation around him, went again to attempt rousing the Gordons. His former expedition was marked by spoliation on every side; his present march, increasingly destructive, was distinguished by the conflagration of the chief covenanters' houses, and the more infamous flames of the corn yards. Disappointed still in gaining any accession from among Huntly's friends, he took Fyvie castle,\* but was himself very nearly surprised.

With such men as his, he ought always to have been in

\* Then belonging to the earl of Dunfermline.

possession of the earliest intelligence respecting the motions of his enemies, but in this most essential part of a general's duty, he was almost always defective; Argyle and Lothian, at the head of nearly three thousand horse and foot, were within two miles of his camp, before he had heard of their having crossed the Grampians, and if they had not been even still more deficient in generalship than he, the career of the hero must have closed at Fyvie, but his good fortune triumphed; his courage, presence of mind, and that skill, which enabled him to manage to advantage that species of force which he commanded, extricated him from his perilous situation. He distributed his men on the heights, and among the ditches and fences, where they could not be attacked but with hazard, and after sustaining two assaults from very superior numbers, eluding the enemy by stratagem, he drew off his whole troops by night, without loss, to Strathbogie, and thence to Badenoch, where he expected Macdonald with the Irish, and reinforcements. Argyle, whose army had been greatly neglected, and had suffered much from desertion, returned to Edinburgh in disgust, and threw up his commission.

At this period, the high courts of church and state met about the same time, the intimate connexion between religion and politics, rendering this necessary, not only because the general measures to be consulted upon, but because the leading men in each were the same; they were both convoked this year without the authority of the king, and no commissioner attended either. The general assembly sat first, and after receiving the report of their commissioners at Westminster, and letters from the assembly of divines, communicating their progress in the work of uniformity, and lamenting their many hinderances, from the disturbances of the public, and the prevalence of sectaries, they proceeded to censure the Scottish lords, who had signed a bond at Oxford, disclaiming the Solemn League and Covenant as traitorous and damnable, renouncing the authority of the convention or parliament, without his majesty's consent, and pledging their honour to employ their uttermost powers and abilities, both with lives and fortunes, to suppress the rebels in arms against the king, and passed an act authorizing their commission to

proceed against them with the greater excommunication, unless they publicly acknowledged their offence. Montrose and Huntly, with their adherents, had their censures confirmed, and the presbyteries and synods, within whose bounds they resided, were ordered to proceed against them in due form. This conduct has been condemned as an improper interference of the church in matters of state, but where a church acknowledges any government, as that which in conscience their members are bound to obey, it naturally follows, that they must consider those who refuse obedience as rebels, and cannot consistently allow them to remain in their communion.

By an overture submitted to this assembly, it would appear to have been a practice for the young gentlemen attending college, to get inveigled into improper connexions, without the consent of their parents, and it was proposed to declare all promises of marriage given in such circumstances by minors, who afterwards were unwilling to fulfil them, void and illegal; but the assembly remitted the consideration to presbyteries, and more important discussions soon occurred to occupy their attention.

Parliament, which met, on the 4th of June, according to the triennial act, chose John, earl of Lauderdale, president, and formally ratified the acts of the preceding convention, the Solemn League and Covenant, the treaty with England, and the excise.\* They appointed the chancellor Loudon, Argyle, Balmerino, Warriston, Cambuskeneth, Sir John Smith, provost of Edinburgh, Hugh Kennedy, provost of Ayr, Robert Barclay of Irvine, and lord Maitland, as supernumerary, or

\* This excise, which was not more popular then, than a similar measure at a later date, imposed on every pint of home made ale and small beer, 4*d.* on foreign imported, 1*/*; on strong beer, by the brewer or housekeeper, 6*d.* French wine, 3*p* pint, 1*/4*; Spanish do. 2*/8*; aquavite, 3*p* pint, sold 2*/8*; tobacco, 3*p* lib. 6*d.* on every slaughtered ox, bull, or cow, value sixteen pounds, or above, 20*/*; on every one under that price, 1*3/4*; all oxen, bulls, or kine, transported, 3*p* head, 4*/*. On all sheep, slaughtered or transported, if above 40*/* value, 4*/*, if under, 2*/*; all slaughtered stinks of 8 lib. price, or above, 6*/4*; under, 4*/*; calves or goats, 40*/* value, 4*/*, under, 2*/*; on all swine, 6*d.* lambs and kids, 2*/*; on every ell of silk, from 5 merks value to 10, 6*/4*, above that value, 10*/*; plush, or pan velvet, 3*p* do. 20*/*; satin, 1*3/4*; every ounce of gold lace

any three of them, to proceed to England as commissioners, to act in concert with the English parliament, in their negotiations with the king. They declared the imprisonment of the duke of Hamilton, for crimes said to have been committed in Scotland, a breach of law, forfeited the earls of Crawford and Forth, lord Yethan, Haddow, and captain Logie, and after appointing a number of committees, prorogued their sitting till the first Tuesday of January, 1645.

During these transactions in Scotland, where the prospects of Charles seemed to brighten a little, by the appearance of that baleful meteor, that was to deceive, and hurry him on to his fate, his fortune in England, though chequered, improved on the whole, and at the close of the year, was much more favourable than could have been prognosticated, after the fatal result of Marston moor. The parliamentary force was divided into two armies, one under Essex, and the other commanded by Waller; but envious of each other's influence or fame, they did not act with cordial union. In opposition to the desire of the parliamentary committee, Essex marched into Cornwall against prince Maurice, and sent Waller to watch the progress of his majesty, who outmanœuvred him, and, after a skirmish at Cropredy bridge, obliged him to retire to London to recruit. The king, thus left disengaged, directed his attention towards Essex, and, in a narrow country of defiles and passes, so hemmed in the parliamentary army, that unable to extricate them, their general desperately forced his way with the cavalry to Plymouth, and left his infantry to capitulate. Their determined front gained good terms, they surrendered their arms, but were allowed to de-

15/15 ell of gold or silver cloth, 5 lib; a beaver hat, 12/; pair of silk stockings, 15/4; broad cloth, 3<sup>3</sup>/4 ell, retailed at seven pounds, 6/, above that price, 12/; cambric, lawn, or Holland, or Holland cloth, for the value of every 20/, 1/. Coal exported in Scottish or English bottoms, to the value of twelve pounds, 6/; in foreign bottoms, 12/. From this list it will appear, that the art of taxation is not to be reckoned among the new discoveries of this enlightened age; and neither, it will be seen, is the most popular government always the cheapest, but then, there is a health and a vigour in popular governments, which enables the body politic to supply the additional drain. The Turks do not pay a tithe of taxation, in comparison of Britain.

part without any stipulation. In little more than a month, re-organized under a new leader—the earl of Manchester—they were again in battle against him, and at Newbury, re-took the artillery they had lost at Foy; yet, this officer, although superior in numbers and victorious, allowed the king to withdraw his artillery from Dennington castle without molestation, and conclude the campaign with credit, by a safe march to Oxford.

Both parties being still so equally balanced, the termination of the war seemed as distant as ever, and the nation wearied with the protracted hostilities which they had not anticipated, murmured at the manner in which it was conducted, and, as usual in cases of public dissatisfaction, the parties endeavoured each to exculpate himself, by attempting to affix the blame on another. Essex and Waller were unfortunate, and their mutual recriminations were just what was to be expected. Manchester had been successful, but had not followed up his success, and the affair at Dennington castle, was urged as a proof of either his incapacity, or unwillingness to strike such a decisive blow as would reduce the king to a state in which peace might be safely concluded with him. But the noble generals were suspected of being actuated by that corporate feeling, which beheld with jealousy, the increasing power of the commons, and looked towards the restoration of the king, upon such terms as would sustain their waneing influence in the government, and regain them their lost weight in the country, as of greater consequence, than the establishment of proper safeguards against the despotic encroachments of royalty. They owed their appointment and continuance in command, to parliamentary influence, and it was evident that their errors or misconduct, tended to lessen the hold their employers had upon the public, as well as endanger the public cause. This rendered it necessary that some measure should be adopted, to allay the dissatisfaction which was openly expressed without doors, and secretly entertained by the majority within; but although it had been voted a twelvemonth before, that the members of parliament, with some exceptions, should not hold places, and an inquiry had been in-

stituted into the number and emoluments of these now enjoyed, and the plain way to confirm the wavering confidence of the public was pointed out, that of simply carrying their own resolutions into effect, yet no one had the courage to bring the subject fairly before the legislature, till Cromwell, in a manly, convincing, and forcible speech, introduced it.

In language the reverse of “confused and inelegant,” he told them, “That it was now a time to speak, or for ever to hold the tongue; the important occasion being no less than to save a nation out of a bleeding, nay, almost a dying condition, which the long continuance of the war had already brought it into, so that without a more speedy, vigorous, and effectual prosecution of the war, casting off all lingering proceedings, like soldiers of fortune beyond sea, to spin out a war, we shall make the kingdom weary of us, and hate the name of a parliament. For what do the enemy say? nay, what do many say, that were friends at the beginning of this parliament? Even this, that the members of both houses have got great places and commands, and the sword into their hands, and what by interest in parliament, and what by power in the army, will perpetually continue themselves in grandeur, and not permit the war speedily to end, lest their own power should determine with it. This I speak here to our own faces, is but what others do utter abroad behind our backs. I am far from reflecting on any. I know the worth of these commanders, members of both houses, who are yet in power; but if I may speak my conscience without reflection upon any, I do conceive, if the army be not put into another method, and the war more vigorously prosecuted, the people can bear the war no longer, and will enforce you to a dishonourable peace. But this I would recommend to your prudence not to insist upon any complaint or oversight of any commander-in-chief, upon any occasion whatsoever, for as I must acknowledge myself guilty of oversights, so I know they can rarely be avoided in military affairs; therefore, waving a strict inquiry into the causes of these things, let us apply ourselves to the remedy that is most necessary, and I hope we have such true English hearts, and zealous affections towards the general weal of our mother

country, that no members of either house will scruple to deny themselves their own private interests for the public good, nor account it a dishonour done to them, whatever the parliament shall resolve upon in this weighty affair."

Silence thus broken, a debate ensued, which ended in the adoption of a motion by Zoach Tate, seconded by the younger Vane, for leave to bring in a bill, excluding all members of parliament from holding any command in the army, and on the same day, a fast was ordered to be held, for imploring God's blessing on their measures. Two days after, the bill was brought in, and read a first time. On the 14th, it was read, and referred to a committee of the whole house, where an amendment in favour of the lord general, and another, obligatory on all officers accepting commands, to obey whatever form of church government should be agreed upon by parliament, and the assembly of divines were introduced. After a long discussion, the first was negative, and the consideration of the other adjourned till the day after the fast, when, on the house being resumed, the self-denying ordinance, as it was termed, went through the commons. On the 15th January it was rejected by the lords, as striking especially at Essex and Manchester, but the commons having adopted a new model for the army, by which the whole was recast, and intrusted entirely to Sir Thomas Fairfax, as general, and Skippon, as sergeant-major-general, the upper house could not with decency object, and Manchester and Essex, who saw their power entirely gone, voluntarily threw up their commissions. The chief obstacle to the self-denying ordinance being thus removed, it was again brought forward by the commons, and on the 1st of April, finally passed both houses.\*

\* This measure, which was opposed by Whitelock, with arguments drawn from the practice of Greece and Rome, is ably discussed by Brodie, Hist. of the British Empire, vol. iii. pp. 542-559. and the arguments of Whitelock and Hume satisfactorily answered. But the question is one of great delicacy, even in the settled state of the British constitution, because, while the royal prerogative remains, to promote, or dismiss at pleasure, officers, being members, are placed in a situation of strong temptation to support every measure of the crown, while the exclusion of officers from parliament, would be to

Peace, for which the moderate men on both sides sighed, was urged so strongly upon the king by the mongrel parliament—as he himself styled the noblemen and commons who had, in obedience to his summons, assembled at Oxford—that in spite of his own inclination, he was compelled to make advances to the two houses at Westminster, during the summer and autumn, and they, although they were dissatisfied at his refusal to acknowledge them as a parliament, to evince that they were not averse to negotiate, if they could thus promote the welfare of the country, or bring hostilities to a happy termination, consented to nominate commissioners, who, along with the Scottish deputies, should repair with propositions to Oxford.\* The king having failed to seduce some of the party, dismissed the whole haughtily, with a sealed letter undirected, desiring a safeconduct for the duke of Richmond, and the earl of Southampton, to be sent by the king, to fetch an answer to the propositions. It was now necessary to address the lords and commons at Westminster, in parliament assembled, and the king consented to do this, but under a secret protest, that his calling them a legal assembly, was not acknowledging them as such, an inauspicious commencement of a negotiation, where the previous distrust of royal sincerity, was the principal obstruction to treat, and the chief cause of the most unpleasant and harsh of the parliament's proposals. When his majesty's commis-

separate entirely the soldier from the citizen, a distinction already too wide. It would, perhaps, be trenching upon the prerogative, for parliament to interfere in the nomination of officers, but it would destroy no useful part of it, to take away the power of dismissing, without assigning a reason. The policy of the parliament in the present case, was adapted to a state in which it is to be fervently hoped these kingdoms may never again be placed, and is not to be argued upon, either from the principles of the constitution, as it existed before, or since the revolution, nor is it to be judged of by consequences which could not then be foreseen. Had it passed both houses when first proposed, it is evident that Cromwell must have resigned, as well as Essex and Manchester, it was the delay in passing it, and the circumstances which took place during that delay, that originated the protectorate, not the measure itself.

\* The Scottish commissioners were lord Maitland, Sir Charles Erskine, Mr. Hew Kennedy, Mr. Barclay—by mistake named Bartlay by Whitelock—and Mr. Henderson.

sioners arrived in London, they attempted to heighten the jealousies which had already begun to spring up among the parliamentary leaders, and the Scottish deputies, insidiously to detach their interests, and gain them separately; but they had too acute statesmen to deal with: their designs were perceived, and their departure hastened, when their immediate ostensible business was settled. Uxbridge was the place agreed upon for the negotiations which were to be managed by commissioners, sixteen from the king, twelve from the parliament, and four from the Scots, beside Mr. Henderson, who was to watch over the interests of the church. The three material points of religion, the militia, and Ireland, were to be discussed alternately, three days each at a time, commencing with religion, and the deliberations were not to be protracted beyond twenty days.

Religion, the subject of the first three days' debate, was now a question, not of modifying the rites and ceremonies of episcopacy, or abridging the power of the bishops, but whether another form of church government, entirely opposite, should be introduced. That Charles was not attached, from a principle of conscience, to any particular form, is sufficiently apparent from his conduct while last in Scotland. He considered the influence which the particular constitution of the English church gave the king, as of the utmost importance in forwarding his schemes against the liberties of his people, and therefore he was determined that the hierarchy, under some shape, should be retained,\* knowing that if this were allowed, occasions would present themselves for re-instating the priesthood in all its pomp and power. Parliament was now pledged to the rooting out of prelacy, with all its different orders, and a majority were inclined for the introduction of presbytery, as the legal es-

\* "As the king's duty is to protect the church, so it is the church's to assist the king in the maintenance of his just authority; wherefore, my predecessors have been always careful, especially since the reformation, to keep the dependancy of the clergy entirely upon the crown, without which, it will scarcely sit fast upon the king's head; therefore you must do nothing to change or lessen this necessary dependancy." Charles' Directions for his Uxbridge Commissioners. Rush. vol. v. p. 945.

tablishment; but a respectable minority were the advocates for toleration, nor wished to surrender into the hands of a synod or general assembly, that liberty of conscience they had rescued from the royal and episcopal grasp.

Tusting to this difference of opinion among his opponents, his majesty hoped to render their dissension subservient to his purpose, yet they were both united in their dread of prelatical power, and their desire for its extirpation; the persecution they had so recently endured from the bishops was still fresh, and their dissensions were repressed, till their late formidable enemy were completely destroyed. The policy of the question was kept in the back ground, and when presbyterian government was debated, its Scriptural authority was the principal point that was agitated. Dr. Stewart contended, with much learning and great warmth against the introduction of presbytery into the realm of England, which had been so long under episcopacy, which, he affirmed, was more suitable to the church, and asserted to be *jure divino*. Mr. Henderson and Mr. Marshall answered the doctor, defended presbytery, as more consonant to the word of God than episcopacy, and claimed for it also to be *jure divino*. This disputation, as is frequently the case in polemics, while it did not convert the disputants themselves, appears to have been more effectual in convincing their auditors, that neither of them had succeeded in establishing their positions. The marquis of Hertford closed the debate by remarking, "My lords, here is much said concerning church government in the general; the reverend doctors on the king's part affirm, that episcopacy is *jure divino*; the reverend ministers of the other part do affirm, that presbytery is *jure divino*. For my part, I think that neither the one nor the other, nor any government whatsoever, is *jure divino*, and I desire we may leave that article, and proceed in the general proposals."

It was, in consequence, agreed, that the English and Scottish commissioners on this point, should give in their demands in writing, which they accordingly did. They required:—"That the king should pass the bill for abolishing episcopacy, taking away archbishops, bishops, deans, and

chapters, and sequestreting their revenues for other purposes; that the ordinance, authorizing and calling the assembly of divines, should be confirmed by acts of parliament; that the directory for public worship, prepared by them, and passed by both houses, be ratified, and the presbyterian form or church government proposed by the assembly, and approved of by the houses, enacted as a part of the reformation of religion and uniformity; and, that his majesty subscribe the solemn league and covenant, and the covenant be enjoined to be taken throughout the kingdom." These were met by a counter project from the king. He proposed, for procuring a blessed peace, what, at an earlier period might have prevented war, "that freedom be left to all persons, of what opinions soever, in matters of ceremony, and that all the penalties of the laws and customs, which enjoin these ceremonies, be suspended;" but now this was only considered as an apple of discord thrown among the brethren. The title of bishops he desired to be retained, and consented that they should exercise no act of jurisdiction or ordination, without the consent and counsel of the presbyters, who should be chosen by the clergy of each diocess, out of the learnedest and gravest ministers of that diocess; that the bishop keep his constant residence in his diocess, except when he shall be required by his majesty to attend him on any occasion, and that—if he be not hindered by the infirmities of old age or sickness—he preach every Sunday in some church within his diocess; that the ordination of ministers shall be always in a public and solemn manner, and very strict rules observed concerning the sufficiency, and other qualifications of those men who shall be received into holy orders, and the bishops shall not receive any into holy orders, without the approbation and consent of the presbyters, or the major part of them; that competent maintenance and provision be established by act of parliament, to such vicarages as belong to bishops, deans, and chapters, out of the impropriations of the several parishes; that for the time to come, no person shall be capable of two parsonages or vicarages, with cure of souls; that towards the settling of the public peace, one hundred thousand pounds shall be raised by act of parliament,

out of the estates of bishops, deans, and chapters, in such manner as shall be thought fit by the king and two houses of parliament, without the alienation of the church lands, with several other lesser regulations. To the re-establishment of the hierarchy in any shape, the commissioners would not consent, and the king would not agree to its total abolition. So ended the religious branch of the negotiations. But, ere they were closed, Laud, to whose childish affection for pompous vestments, and whose superstitious reverence for idle, impertinent, and sometimes almost profane ceremonies and rites, were to be attributed much of the disasters of his master, was brought to trial, and atoned on the scaffold for the blood which his obstinate perseverance in attempting to lord it over men's consciences, had caused to be shed.

On the next three days the militia was introduced, and Hyde, afterward lord Clarendon, insisted that it should be held for granted, that the whole power of the militia is by the law of England, in the king only. This position Whitelock denied. He undertook to prove, that the law did not positively assert where that power was lodged, and the lawyers seemed emulous to rival the divines in the length, subtlety, and refinement of their disputation, when the earl of Southampton interfered, and adverting to the time already spent on the subject of religion, observed, although he should be very glad to hear both of the worthy gentlemen argue the matter, and did not doubt but that they would receive much gratification, yet he thought it would more conduce to a settlement, to decline the debate about the legal question, and proceed at once to the propositions respecting it.\*

\* Whitelock, who was an Erastian, had no great affection for the Scots, and he sometimes discovers his dislike in the representation he gives of them in such a petted, childish-like manner, that it is impossible to resist a smile; of course, allowance must be made for this shading in all his pictures. Precedence, it seems, was a contested point among the parliamentary and Scottish commissioners. On the first night of their being together, a little before supper, the lord chancellor of Scotland intimated his expectation that he should have the precedence of all the English lords, both at the table and at the meetings; and that Berkley and Kennedy—or Kennedagh, as he styles him—should have the same of the English commissioners, who were but esquires. The two last, however, were informed that Whitelock and Crew

The power of the sword, as it is that in all governments which settles the final pre-eminence of any particular member, so it is the most difficult to adjust satisfactorily or safely, in a mixed monarchy, in revolutionary times. The king, as the feudal chiefs had, in all the European states, possessed the power of summoning his vassals to his standard, and so long as the government of the countries consisted in a subordination of subjects, who held their lands by tenure of military servitude, he as the head, was nominally intrusted with a power, which a thousand concurring circumstances tended practically to abridge, except when an army was embodied and fairly in the field. During the aristocratical freedom of feudal times, this frequently occasioned a clashing of rights between the monarch and the nobles; but when the commons became emancipated from villanage, and the progress of the reformation raised them to their proper scale in society, armies were no longer composed of the vassal and his lord, but of men voluntarily enlisted, or pressed into the service, who formed a new species of force, the direction of which, in countries where the government was framed upon principles of freedom, became an object of most serious concern, and was, at this time, in England, a point undecided by law.

Parliament, who justly dreaded that any concessions which might be wrung from the king, would prove entirely nugatory, if he were allowed to retain the management of a force,

were the eldest sons of knights, who took rank next to knights, on which the burgesses gave up the contest for themselves, only they stickled for their chancellor; "At which," remarks Whitelock, "the earl of Northumberland smiled, and seemed to contemn it, of whose great honour and family, and the antiquity of it, the Scottish commissioners could not be ignorant, nor of the difference between that and the earl of Loudon. Yet Northumberland moved, for satisfaction of the Scots, that the chancellor and one other of the Scots commissioners, might sit at the upper end of the table—which was not taken for the chief, but for the woman's place—and the rest of the commissioners sat in their ranks on either side, and so that matter was for the present settled." He then sarcastically subjoins, "officers had been sent down by the parliament to prepare all things fit for the commissioners, and for their diet and entertainment, at which the Scots commissioners were contented to have their share." There was no contention about that.

—such as he then commanded—now become so alarming to the cause of liberty, from the composition of its parts, and its entire devotion to its leaders, without any regard to principle, required, that by act of parliament, the subjects of the kingdom of England, should be appointed to be armed, trained, and disciplined in such a manner as both houses should think fit; and in like manner for the kingdom of Scotland, as the estates of parliament there should think fit; and that commissioners should be appointed to suppress any forces raised, without the authority of the parliament or estates; to preserve the peace now to be settled, and prevent all disturbances likely to arise from the late troubles; to appoint residents, in the two kingdoms respectively, to assist and vote, along with their native commissioners, respecting the separate interests of the states, and that the commissioners jointly, should have the preservation of peace between both kingdoms, committed to them, and be empowered to raise and to disband all forces for the preservation of internal peace, or the repulsion of external violence. The king proposed, that all the forces of the kingdom, by sea and land, should be intrusted to twenty commissioners, ten to be nominated by himself, and ten by the parliament, for the term of three years, after which, they were to revert to his majesty; this, which would, in fact, have been yielding up every advantage of which they were possessed, as it would have at once exposed the army to the intrigues of the king,—and by limiting the parliamentary contract to so short a period, have rendered it useless, even during the time it was exercised, as all the permanent arrangements would depend upon the royal pleasure—was rejected by the parliament, who proposed, as a compromise, that the unlimited direction of the militia, should be vested in commissioners named by themselves, for the term of three years, after a firm peace should be established, or for seven years certain, from the time of the passing the act for this purpose, and then to be settled and exercised in such manner as should be agreed upon by his majesty and the two houses of parliament of England, and the estates of the parliament of Scotland.

This was rejected by the king, and no other proposal was made.

Ireland was looked to by the king, as an excellent field for recruits, whence he might draw powerful aid, could he only induce the people of England, to believe that peace there was necessary for the security of the protestants, and that his withdrawing thence the army which had hitherto protected them, was the most effectual method of promoting their safety. The parliament viewed matters in a very different light, and although they did not then know the full extent of the intrigues Charles was carrying on, for introducing into England, a force similar to the banditti, who were, at that moment, ravaging without mercy, the north and west of Scotland, and in the king's name, and under his express authority, were led by the faithless Montrose, to the commission of atrocities, not less dreadful than those they had perpetrated in their native land, were yet sufficiently informed, to insist upon the cessation which had been concluded with the rebels there, being brought to an immediate termination; they, thereupon demanded, that all treaties concluded with the rebels, without consent of both houses of parliament, should be made void, and the prosecution of the war of Ireland, settled in both houses of the parliament of England, to be managed by the joint advice of both kingdoms, and his majesty to assist, and to do no act to disown or molest them therein. This demand, which involved the king's conduct toward Ireland, and the necessity of the cessation, produced a lengthened discussion, and a great deal of quibbling, especially from the king's commissioners, who were studious of difficulties, of encumbering the negotiations, by complicated questions and unnecessary embarrassment, and ended like the other propositions, in no determinate conclusion.

The king's commissioners, insisted that the necessities of the army in Ireland, and the want of supplies, owing to the misconduct of the parliament, rendered the cessation indispensable, to prevent its complete annihilation, and that of the protestant inhabitants. The parliamentary negotiators affirmed,—which their opponents endeavoured to extenuate,

but could not deny—that the king had seized supplies the parliament was sending for relief of the Anglo-Irish army, and applied them to his own use, and insisted they had made it evident, that the cessation tended to the utter destruction of the protestants in that kingdom, which they conceived was the design of those who had advised that measure; and, in opposition to the assertion, that it was the only means of subsistence for the protestants there, they urged the undeniable fact, of the preferable condition of the numerous protestants in Ulster, Munster, and Connaught, who had refused to accede to that measure, as the very means intended for their ruin; and, indeed, it is now demonstrable, that the Scottish army in that district, was the salvation of the protestant interest in the north of the island. But the king's instructions to Ormond, and the commission he granted to Herbert, afterwards earl of Glamorgan, to obtain the assistance of the Irish papists, upon any terms, sufficiently justify the pertinacity with which the parliamentary commissioners adhered to obtaining the complete management of the war in that country.

Instead of being sincerely desirous for the conclusion of a treaty, which might restore peace to his bleeding country, upon terms calculated to ensure its continuance, Charles was secretly averse to its success, and, unwilling that any adjustment should take place, unless he were re-instated in power, without limitation. While openly negotiating, he was privately tampering with the chiefs of the parliamentary party, for whom his commissioners had instructions to try what the offers of honours and place could effect, and, while secretly treating for foreign assistance, he was openly discovering very sinister practices. His correspondence with the queen, which was captured after the battle of Nasby, unvailed the hypocrisy of all his professions, and discovered that he was sincere only in his attempts to deceive. Exaggerated reports of Montrose' exploits in Scotland, had an unfortunate effect, in rendering the king more obstinate in his refusal to yield to any demand of the parliament, yet, it does not appear probable, that the statement of his having given his assent to the most material propositions at Ux-

bridge, at the entreaties of Southampton, and again withdrawn it when news came from Scotland, was any thing else than a *ruse*, similar to what he had played off to Whitelock, at Oxford; but, that he was elevated by the success of the marquis, far beyond what the real importance of his ephemeral ascendancy warranted, is as plain, as, that the marquis himself, over-rated the value of his exploits, when he afterwards wrote to the king, that he had gone through the land, from Dan to Beersheba, and prayed his majesty, “ come then, and take this city, lest I take it, and it be called by my name !” \*

After his fortunate escape at Fyvie, and during his march toward his place of retreat, a number of deserters thinned the ranks of Montrose; but, as nothing except incessant action, and the prospect of plunder, could have kept such an army as his together, he only rested a few days at Badenoch, till his men were able to endure fresh fatigue, then marched into Athol, where he was joined by Macdonald, and the reinforcements he had been sent to procure. Enabled now, by the accession of numbers and the absence of Argyle, to re-commence with effect his predatory operations, he proceeded, by rapid marches, through almost impassable defiles, to the lands of Glenorchy, one of Argyle’s near relations, which he ravaged without mercy, burning and destroying wherever he went. In the depth of a highland winter, he let loose the whole fury of his wrath upon the territories of his rival, and the vindictive spirit of private revenge, urged on the barbarous cruelty of the ruffian Irish, and the rival enmity of the highlanders, to the perpetration of new deeds of horror. The whole country was one scene of murder and conflagration, they spared none that were able to bear arms, and, in particular, they massacred without distinction, every man carrying a weapon, or whom they supposed likely to join their chieftain;† nor was there a house left standing,

\* The letter in which this boasting, and rather unlucky quotation occurs, was found among the marquis’ papers, after the battle of Philliphaugh. Laing’s Hist. vol. iii. p. 297. Burnet’s Hist. vol. i. p. 52. Charles’ Corresp. Rush. vol. v. p. 947.

† Wishart—the bishop goes on to narrate, “ they drove all their cattle,

except the strengths, which the savages had not the means of reducing; their corn, their winter stock, was consumed: their furniture and effects of every kind, destroyed; not a hoof left in the district, for such as they could not drive away, they houghed, and cast out to perish in the snow. These merciless devastations, worthy of a chief of banditti, and his troop of outlaws, were extended through Breadalbane, Argyle and Lorn, to the confines of Lochaber, when, satiated with revenge, and his followers increased by accessions from the Gordons and Farquharsons, he bent his course towards Inverness. While on his march, he was overtaken by a messenger, informing him, that Argyle, who incensed at the cruel devastation of his estates, had raised a force of about three thousand men, to avenge the injury, was advanced to near the ancient castle of Inverlochy, and, suspecting that his intention was to join the garrison of Inverness, and raise the counties of Moray and Ross, he determined, if possible, to repay the surprise at Fyvie.

Leaving the common road, in which he placed guards, to prevent the enemy's receiving any intelligence of his actions, he went straight across the almost inaccessible heights of Lochaber, through paths still covered with snow, and hitherto untraced, but by the shepherd or huntsman. He had approached within half a mile of the main body, when the astonished scouts, who had fled back in amazement, first gave notice of his approach. Fatigued with his toilsome march, his worn out soldiers could not be led out to an immediate assault, as the enemy, apprized of his advance, had had time to collect their scattered men, and were in some measure pre-

and burnt down their villages and cottages to the ground;" "nor did they deal more gently with the people of Lorn;" and then piously adds, "Montrose ever after acknowledged, that he had never experienced the singular providence and goodness of God, in a more remarkable manner, than at this time." Spalding relates in a more simple, but touching style, "Ye hear before of Montrose' progress to the Glenorchies lands. He goes to Argyle, burns and slays through the haill country; and left no house or hold, except impregnable strengths, unburnt; their corn, goods, and gear; and left not a four-footed beast in his haill lands; and such as would not drive, they houghed and slew, that they should never make stead." Troubles in Scotland, vol. ii. p. 296, &c.

pared for his reception. Both parties stood to arms during the night, but the moon, which shone without a cloud, upon the mountain scenery, enabled them to prevent each other from enjoying any repose. Unfortunately, Argyle, after his army was drawn up, went on board a galley in the loch, where he remained a safe spectator of the battle—a fall from his horse, which had incapacitated him from taking any active part in the action, was the reason his friends assigned for his retreat; his enemies attributed it to his pusillanimity. The composition of the two armies was extremely different, that of Montrose, consisted of veteran Irish, and highlanders flushed with victory; the former, he placed on the wings, and in reserve, his centre was formed of the latter. The force under Argyle, was made up of undisciplined raw lowlanders, who had only as much training, as unfitted them for exerting their individual prowess in the battle, and not enough to enable them to act in a body; these were the wings, the remnant of Argyleshire men, were stationed as a centre and reserve. Montrose led his army to battle, with all the impetuosity of fearless daring. A cousin of their absent leader, encouraged the troops of Argyle to sustain the shock. At sunrise, the 2d of February, the trumpets of Montrose sounded a charge, and the impetuosity of his onset, was irresistible, the lowlanders gave way, and the highlanders were as unable to protect their retreat, as they, when once broken, were to rally. A single volley of musketry, was all the resistance their assailants met, and, in the rout, upwards of fifteen hundred of the vanquished were slain, among whom were a number of the chiefs of the clan Campbell, the survivors fled to the mountains, and the whole armament was dissipated by the blow. Montrose' loss was comparatively trifling; but, in numbering them, he had to lament Sir Thomas Ogilvy, a son of the earl of Airly's, to whom, it is said, he was much attached.

By this victory, Montrose having relieved himself of any fear from the more powerful of the Highland chieftains, resumed his progress north to Inverness, but finding the town too strong to be attacked, he passed, without attempting to force it, and expressed his disappointment, by subjecting

the open country to the license of his unbridled soldiery. On descending into Moray, he issued orders for all who were capable of bearing arms, between the ages of sixteen and sixty, to join his banners, under pain of military execution; those who did not immediately comply, he treated as rebels, “plundering, burning, and spoilizing the houses, biggins, and corn yards of the haill lands of the gentry, carrying off the horse, nolt, sheep, and plenishing from others, laying the villages in ashes, and, besides destroying the salmon cobbles, cutting, and rendering useless the nets, and fishing tackle along the course of the Spey.” In his progress, he was joined by the Gordons and the Grants. Encamping before Elgin, the marquis accepted of four thousand merks, to prevent his setting fire to the town; but he rescued it from the flames, only to give it up to be plundered, which was effectually performed by the laird of Grant’s soldiers, who left nothing “tarsable,”\* uncarried away, and “brake down beds, boards, insight, and plenishing.” The Farquharsons of Brae-mar, equally expert at the trade, he sent to do like service on the town of Cullen, while the “gallant chief,” himself in person, marched to the seat of the earl of Findlater, who had fled to Edinburgh, and left his countess behind, hoping, it may be, that the romantic heroism of the chivalrous marquis, would respect a castle intrusted to the charge of a fair lady. But the gallantry and heroism of Montrose was unallied to courtesy. This stately mansion, decorated with costly furniture, enriched with silver plate, and stored with necessaries, was stript to the walls, and was about to be set on fire, when the unprotected, high born female, implored the ruthless leader of the band, to spare her dwelling from the flames but for fifteen days, as her husband was absent, and till he should return, or give satisfaction, and she obtained her boon, upon paying five thousand merks in hand, and other fifteen thousand ere the time elapsed.

Spreading desolation around him, the marquis spared Aberdeen another sackage for a ransom of ten thousand pounds, but the principal inhabitants having fled for safety

\* i. e. That could be conveniently packed in a portable size.

to Dunnottar castle, he proceeded against it, and, failing to seduce the earl Marischall from the cause of his country, he burned the barn yards, outhouses, and destroyed whatever fire could destroy. Returning to Stonehaven, he committed to the flames the tolbooth, at that time the public granary, filled with corn and bear, plundered a ship in the harbour, and burned her, together with all the poor men's only means of livelihood, the fisher boats, and, in spite of the entreaties of the inhabitants, old men and women, some with children at their feet, others with infants in their arms, weeping and howling, and praying, for God's cause, to be saved from remediless destruction, the relentless ruffian, heedless of the sufferings of so many innocent, unoffending individuals, whom he was depriving of shelter in an inclement season, returned no answer to their supplications, but left the town a heap of uninhabitable ruins, and the houseless wretches without a covert or a home. He then wreaked his vengeance on Fetteresso, and, not content with having ruined it in the same barbarous manner, he fired the pleasant park, and wantonly butchered all the hart and deer, hind and roe, as they fled affrighted at the flaming trees. Advancing southward to Brechin, the people ran at his approach, and lodging their most valuable property in the tower, left the town to his mercy. The houses were rifled, and sixty burned to the ground. It is disgusting to follow the track of wanton and uniform barbarity, but it is necessary to exhibit, in their native deformity, the atrocities of ruffians, the mischievous nature, and woful effects of whose crimes we are apt to forget, when we hear of the principal perpetrator only under the imposing name of a hero.

In the month of January, 1645, the parliament met, to consider the alarming state of the country; but Lauderdale, the president, having died during the recess, Lindsay, a person not well qualified for carrying through the business of the session, was unhappily chosen, and much of the time wasted in violent and contentious debate; and when the necessities of the state called for united and strenuous exertion, the members allowed their private animosities to distract them. The money which had been voted, it was found

difficult to raise. In order to make the excise effectual, the collectors were allowed a tenth of the proceeds for the trouble of levying it; and for enforcing prompt payment of the tax appropriated to the support of the army, it was enacted, that they should account for their intromissions upon an appointed day, on pain of being compelled to pay the whole.\* Montrose, Huntly, Carnwath, and Traquair were forfeited, their lands exposed to sale at ten years' amount of the yearly rent, and the public faith engaged to warrant the purchase, and protect the persons of the purchasers. An army for subduing the insurrection, was ordered to be levied, and the whole fencible men in the kingdom mustered and trained; but the counties, either overawed or undecided, remained in a state of inactivity, which rendered it necessary to pass an act for exacting five hundred merks for every dragoon, and one hundred pound Scots, for every foot soldier, who had *not* been raised, or who had deserted.

But the exertions of the general assembly, which had been summoned to hold an extraordinary meeting at the same time with the estates, were more successful in rousing the spirit of the country. They first addressed a free admonition to the parliament respecting their dissensions, the impunity their internal enemies enjoyed, and the facility with which convicted traitors had been passed over, all which, they said, saddened the hearts of their friends, and weakened their hands, while it emboldened the disaffected, and encouraged the natural unwillingness of the people to bear the burdens necessarily imposed for the public good; they therefore exhorted them to execute exemplary punishment

\* In the act for collecting the excise, notwithstanding the public pressure, there was a charitable clause, to prevent the excruciating spectacle of poverty or old age, being rouped to the door, or stripped of their last rags to pay taxes, one half of which never reaches the exchequer. "And where they," the commissioners for the excise, "shall finde any persons, that in regard of their poverty, are not able to pay all bygone excise, the estates ordains sick parts and portions of the bygone excise, to be tane frome these poor persons as they are able to give," and declare's the certificate of the magistrates or session, sufficient to infer liberation, &c. Scots Acts, Thomson's Edition, folio, vol. vi. p. 162

upon such as had joined in arms, or secretly aided the unnatural and cruel enemy, now deluging the country with blood, that the hesitating might be confirmed by their decided conduct; to speedily and unanimously, by all lawful and possible ways, endeavour to extirpate the invading barbarians, and wipe away the reproach, shame, and dishonour put upon the nation by the vilest of men. “We are confident of your honours’ conscience and care,” say they, in the conclusion of their spirited paper, “only, we exhort you in the Lord, to unite your spirits, and accelerate your counsels and endeavours. Be of good courage, and behave yourselves valiantly, for our people, and for the cities of our God. Arise! and the Lord be with you!” They also addressed a solemn and seasonable warning to the noblemen, barons, gentlemen, boroughs, ministers, and commons of Scotland, and to the armies within and without the kingdom. The country was at this time suffering under the three severest judgments which can afflict any land, war, pestilence, and famine. They therefore, as watchmen, durst not be silent, their duty required them to show the causes of God’s displeasure, and the duties of the people under his chastening rod. After repelling the idea, that rebellion or disloyalty, slanderously imputed to the solemn league and covenant, could be considered as among these, they state the real procuring causes. For the transgression of Judah is all this, and for the sins of the house of Israel. God is thereby showing to great and small in this land, their work and their transgression. But while they press private and individual repentance for private iniquity, they consider the national sins which have provoked national chastisement, as—the selfishness, and want of public spirit among the nobility, gentry, and barons; their studying their own private interest more than that of the commonwealth; and their defrauding and oppressing the poor and the needy, because it was in the power of their hand to do it. The timeservers who had crept into the ministry, men who have been secretly haters of the power of godliness and of mortification, who have not renounced the hidden things of dishonesty, whose hearts have not been right before God, nor stedfast in his covenant—but

above all 1st, God hath sent his sword, to punish the contempt, neglect, and disesteem of the glorious gospel. 2d, To avenge the quarrel of his broken covenant; for, besides the defection of many, under the prelates, from the first national covenant, a sin not forgotten by God, their later vows and covenants had also been foully violated, by not contributing their uttermost assistance to this cause with their estates and lives; by not only not bringing to justice, but even countenancing those, who, guilty themselves, have also led on others to shed the brethren's blood; and particularly, by the neglect of promoting a real personal reformation in themselves and in those under their charge. 3d, Great unthankfulness for God's great mercies, filleth up the cup. And 4th, Presumptuously sending out their armies, and undertaking great services, without repentance and making their peace with God. The primary duties, which a due sense of these national transgressions imposed, were humiliation, repentance, faith, amendment of life, and fervent prayer, but there were also others which the times required. "It ought never to be forgotten," add they, "that the present cause and controversy, is none other than what hath been formerly professed before God and the world. The reformation and preservation of religion, the defence of the honour and happiness of the king, and of the authority of parliament, together with the maintenance of our laws, liberties, lives, and estates; and as the cause is the same, the danger is greater from the popish, prelatical, and malignant faction, who have openly displayed their banners in the three kingdoms, and threaten with Irish rebels and troops, to oppress poor Scotland, already scourged by that "hellish crew," under the conduct of the excommunicated and forfeited earl of Montrose, and Alaster Macdonald, a papist and an outlaw, who exercise such barbarous, unnatural, horrid, and unheard of cruelty, as is above expression; and from the secret malignants and discoveranters, who slight or censure the public resolutions of the kirk or state, slander the covenant, confound the king's honour and authority, with the abuse and pretence thereof, and commend or excuse the enormities of

James Graham,\* and his accomplices. For such a cause, and against such dangers, they called upon every man, who was not regardless of his religion, law, liberty, or country, who was not dead to all natural affection for wives, children, or friends, or insensible to the preservation of whatsoever was dearest under the sun, to act now or never, stretching himself to, yea, beyond his power. The crisis allowed of no dallying with the enemy, no half measures, the alarm was abroad, and cursed be he that doeth the work of the Lord negligently, or dealeth falsely in the covenant of God. The ministers were exhorted to stir up others, by free and faithful preaching, and if any of them should fall into the hands of the enemy, to choose affliction rather than sin. The armies were admonished to beware of ungodliness and worldly lusts, but to live soberly and righteously, avoiding all scandalous conduct, and renouncing all confidence in their own strength, skill, valour, and number, trusting only to the God of the armies of Israel; and the people were reminded, that as the enemy could not be suppressed without a competent number of forces, and the forces could not be kept together without maintenance, nor maintenance be had without public burdens, and although these burdens were, for the present, not joyous but grievous, yet it would be found no grief of heart afterwards, even unto the common sort, that they had given some part of their necessary livelihood, for assisting so good a work. But it was far from their thoughts, that the pinching of some should make others superfluously abound, it was rather to be expected of the richer sort, that they would spare and defalk, [retrench,] not only the pride and superfluity, both of apparel and diet, but also a part of their lawful allowance in all these things, to contribute the same as a free-will-offering, besides what they are obliged to by law or public order; and after reminding them of the danger and disgrace of disunion or neutrality, they close in a high, animating strain, calculated to excite contempt of difficulties, and the noblest enthusiasm in a cause which had

\* So the covenanters, after his forfeiture and excommunication, always styled the marquis of Montrose.

already been so signally favoured of heaven. “ When we look back upon the great things which God hath done for us, and our former deliverances out of dangers and difficulties, which to us appeared insurmountable, experience breeds hope, and when we consider, how in the midst of all our sorrows and troubles, the Lord our God hath lightened our eyes with the desirable and beautiful sight of his own glory in his temple, we take it for an argument, that he hath yet thoughts of peace, and a purpose of mercy towards us. Though for a small moment he hath forsaken us, yet with great mercies he will gather us. He hath lifted up our enemies, that their fall may be the greater, and that he may cast them down into desolation for ever. Arise! and let us be doing, the Lord of Hosts is with us, the God of Jacob is our refuge.”\*

This warning was ordered to be read in all the pulpits throughout the kingdom, after divine service, and before the dismissal of the congregations in the forenoon. But while admonishing the nation, they thought it their incumbent duty, and the best testimony they could give to the king of their loyalty, to remonstrate to him faithfully, to represent to him the great and increasing dangers to which he was exposed, and the causes whence they sprung. - It is conceived in a style of honest plainness, such as seldom meets the royal ear, and had his majesty hearkened to the “dictates of their upright affection for his true happiness,” he might have even then regained a portion of the splendour of his crown, and the affections of his people; he would at least have had the consolation of having spared much bloodshed, and have probably escaped the death of a criminal. After noticing the alienation of the people’s affection, produced by the most barbarous and horrid cruelty, exercised by the Irish and their accomplices, under his own commission and warrant, they solemnly warn him of the guilt he had incurred, by shedding the blood of so many of his best subjects—permitting mass, and other idolatry in his family and dominions—authorizing, by the book of sports, the profanation of the Lord’s day—not punishing public scandal, and much

\* Printed Acts of Assembly, 1645.

profaneness in and about his court—shutting his ears from the humble and just desires of his faithful subjects—complying too much with the popish party—concluding the cessation of arms in Ireland, and embracing the counsels of those who had neither the fear of God, nor his real good at heart, and resisting the cause which so much concerned the glory of God, his royal honour and happiness, and the peace and safety of his kingdoms. These things, they tell him, they would not have mentioned, if they had not been public and known, and exhort him to repentance through Jesus Christ, whose blood is able to wash away his great sin, and to be no longer unwilling to admit of his kingdom and government being established in the land, which things if he would do, they predicted much good in reserve for him. He would find favour with God and with his people; and with almost prophetic, anticipating zeal, they concluded, by taking God and men to witness, that if his majesty refused to hearken to their wholesome counsel, yet they had discharged their own consciences, and were blameless of the sad consequences which might follow; they would wait upon the Lord, who, when he maketh inquisition for blood, would not forget the cry of the humble.

Some of the commissioners who had been sent to the assembly of divines at Westminster, attended at this meeting, to report the progress made in prosecuting the grand scheme of uniformity between the two sister churches, and they produced, as the fruit of their labours, a directory for public worship. It was a great object with the pious and learned founders of the reformation, to obtain the performance of public worship in their own tongue, and they had therefore rejoiced at the adoption of the English prayer book. But the progress of the reformation had altered the circumstances of the case; increasing knowledge asked superior modes of instruction. The great body of the English parochial clergy at first were incapable of leading the devotions of a congregation, and required assistance from forms, and so long as this incapacity continued, a liturgy was necessary, but now, when they were men of superior education, and the people, through their means, had become more enlightened, the multiplicity

and sameness of the prayers, the number of unprofitable and burdensome ceremonies, together with their resemblance to the Roman Catholic rites they had superseded, had occasioned considerable dislike and scruples against them, which the strictness with which their observance was enforced had increased, especially as the prelates and their faction, strenuously inculcated, that there could be no other mode of worship, and even allowed reading prayers to supersede preaching, which the puritans esteemed the most important method of communicating instruction to the people. It was found also, that the liturgy, as it on the one hand encouraged an idle and unedifying ministry, who contented themselves with set forms made to their hand, so on the other, it was a matter of endless strife and contention in the church, and a snare both to many godly and faithful ministers.\* For these reasons, and disclaiming any love of novelty, the assembled divines had rejected the service book, and adopted the directory, which, sanctioned by the parliament of England, they now presented to their reverend Scottish brethren, to be by them accepted. The form prescribed by it is simple.

When the congregation assembled, which they are admonished to do gravely, without genuflexions or obeisance at their entrance, the service is to commence with a short extemporary prayer. This to be succeeded by reading the Scriptures, in common two chapters, one from the Old, and another from the New Testament, after which, a psalm to be sung, then another longer prayer offered up; a sermon to follow, and again a prayer. In conclusion, a psalm is to be sung, and the people dismissed with a solemn blessing. Baptism not to be administered in private, and the communion to be celebrated by the communicants seated around a table.†

\* Preface to the Directory.

† The Independents long and stoutly contested the point with the Scottish commissioners. "They," says Baillie, "are content of sitting, albeit not as of a rite institute, but to come out of their pews to a table, they deny the necessity of it—we affirm it necessary, and will stand to it." He afterwards writes, "The unhappy Independents would mangle that sacrament, no coming up to any table, but a carrying of the element to all in their seats, athort the church; yet all this, with God's help, we have carried over their bellies, to

The sanctification of the Lord's Day, by a cessation from all unnecessary labour, as well as sports and pastimes, was strictly enjoined. Marriage, although no sacrament, yet, because such as marry, are to marry in the Lord, was ordered, as expedient, to be solemnized by a minister. The visitation of the sick, as a necessary and important part of a minister's duty, was largely described. And the burial of the dead, was stript of all religious ceremony, except that the minister was directed, if present, to put the attendants in mind of their duty. Days of fasting and thanksgiving were regulated, proper attention to singing of psalms recommended, and the whole concludes with disclaiming all superstitious reverence for set days, or what are called sacred places, but declaring it lawful to set both apart for the especial service of God, as circumstances, in the course of providence, may require.

Conjoined with uniformity in public worship, was presbytery established by law. This had not yet been fully attained, but, as the outline was admitted, the assembly, rejoicing in the prospect of such a desirable consummation, appointed that the propositions concerning church government and ordination of ministers, should be approved of by the commission of the kirk, so soon as the same should be ratified, without any substantial alteration by the parliament of England, with exception as to the power of the doctors, and the distinct rights and interests of presbyteries and people in the calling of ministers. The session rose, after despatch-

our practice." "This day we were vexed also in the assembly; we thought we had passed with consent sitting at the table, but behold Mr. Nye, Mr. Goodwin, and Bridges, cast all in the hows, denying to us the necessity of any table, but pressing the communicating of all in their seats, without coming up to a table. Mess. Henderson, Rutherford, Gillespie, all three disputed exceeding well for us, yet not one of the English did join us; only Mr. assessor Burgess, who was then in the chair, beginning to speak somewhat for us, but a little too vehemently, was so met with by the Independents, that a shameful clamour ended their debate. This has quited us, that we fear the end of our work." The dispute was at last compromised by the words, sitting around it, or at it, being adopted; but the general assembly refused the compromise, and appended an explanation, adhering to sitting around the table. Baillie's Letters, vol. ii. pp. 27, 51. Printed Acts, 1645.

ing letters to the Westminster assembly, and their own commissioners, encouraging them to proceed in the intended good work.

When Argyle and Lothian threw up their commissions, the irregular forces of the country remained without a leader, till the successes of Montrose, obliged the parliament to recall lieutenant general Baillie from England. This commander had served with considerable reputation under Gustavus Adolphus, and returned at the commencement of the troubles to his native country. He was esteemed a good officer, but too easy in his temper, and not possessed of sufficient influence, when nominated to the chief command, to counteract the mischievous effects of a divided and haughty aristocracy. His refusal to act in subordination to the orders of Argyle, procured him the displeasure of that nobleman, and the estates, or the ruling party in them, afraid of compromising their dignity, and not aware of the evils of a crippled authority in a military leader, appointed a committee to superintend and direct; but, in fact, to hamper and thwart operations, the effect of which, depended mainly upon their unity of plan, and rapidity and decision of execution. On the invasion of Argyle by Montrose, he was ordered to march westward with his force, in the worst of all possible conditions, men half trained, with just as much military knowledge, as taught them that they ought to combine their efforts, and just as much practice, as totally unfitted them for individual exertion, without inspiring confidence in their united operations. A description of troops equally incapable of resisting the furious onset of the hardy mountaineer, who trusted to the strength of his arm and the temper of his steel, as that of the disciplined soldier, who formed part of a machine, whose power depended on the combination of its movements, and the master-mind that directed it.

Having reached Roseneath in the beginning of January, a request was sent from the marquis of Argyle, that a part of the foot only might be sent to his assistance, as the poverty of the country could not maintain a great number, and the committee ordered sixteen companies—eleven hundred men—to be given him, these proceeded to Inverlochy, and met their

fate [page 181,] with the rest, Baillie marched to Perth for the protection of that quarter. By some strange infatuation, Hurry,\* a soldier of fortune, who, after being trained, had first served the parliament against the king, then changed and served the king against the parliament, and now offered his sword to the committee of estates, was appointed his major general. Hurry, who was a fearless, unprincipled ruffian, had been employed in the north to watch Montrose, and seems to have been well enough qualified to act as a subaltern partisan, though evidently without any talents of a higher description. After the battle of Inverlochy, when the victor was marauding south, he surprised a party that had been sent by him to Aberdeen, under Donald Farquharson, and took a number of prisoners, thence marched to the town of Montrose, where he seized lord Graham, the marquis' son, and after a successful skirmish, joined Baillie in Angus. Montrose himself, had taken the route to Dunkeld, with the design of crossing the river above Stirling; but finding himself unequal to force the passage, he prepared to return to the north. Having been informed that Baillie had crossed the Tay, and was in full march to take possession of the fords of the Forth, and intercept his advance south, he suddenly left Dunkeld at midnight, marched towards Dundee, remarkable for its attachment to the covenant, and summoned it to surrender. The inhabitants, who had been promised assistance, prepared for defence, but the Irish and Highlanders, assailed with such fury, that, in a short time, they were driven from their stations, and their own cannon turned against them. At the same moment, the barricades were surmounted, and the gates burst open; no sooner had the place been obtained, than it was set on fire in several places, and the usual scene of rapine and pillage commenced.† The savages were only diverted from massacre, by the superior

\* Alias Ury, alias Urrie, alias Hurry.

† Spalding mentions a striking feature of the banditti, of whom the gallant Montrose had the honour to be the leader. In their route south, after mentioning the plunder of Boyne; he adds, "thereafter he marches to Banff, plunders the same pitifully; no merchants' goods nor gear left; they saw no man on the street, but was stripped naked to the skin."

attractions of plunder, and ardent spirits, and the town narrowly escaped entire desolation, by the approach of the enemy. Montrose, who was standing on a hill, that overlooks Dundee, and coolly beholding the work of destruction, was surprised with the intelligence, that, instead of being in the neighbourhood of Stirling, Baillie and Hurry were advancing with a superior force, and not above a mile distant. He immediately called his men from the town, but it was not without difficulty, that they, who were now almost all half drunk, could be persuaded to leave the work of plundering, so congenial to their habits and disposition. Incapable of fighting, his good fortune again extricated him, from a situation of the most imminent peril, into which his culpable want of information had placed him. The generals opposed to him, were divided in their opinions, and refused to act in concert. Hurry, who commanded the horse, would neither charge the fugitives, nor obey Baillie's orders, to co-operate with him in an attack upon their flank. In the meantime, the marquis having sent off the greater part of his troops, selected two hundred of the freshest, as a covering detachment, and bringing up the rear himself, with all his cavalry, in open order, so as to receive the musqueteers in their ranks, in case of an attack. He commenced his retreat about sunset, in which he sustained considerable loss; but, under covert of the night, he evaded his pursuers, and after a circuitous march, of nearly twenty miles, he reached the hills in safety, secure from the attack of horse. He then allowed his wearied troops to refresh themselves in the valley of Glenesk.

By order of the committee, the covenanters' army divided. Baillie was sent to chastise Athol, and retaliate upon their own country, the miseries the Atholmen had assisted in inflicting upon other districts, and while he destroyed this resource for recruiting Montrose' army, prevented his progress south in that direction. Hurry was ordered north, to restrain his steps to the hills, and prevent his obtaining any succour from the Gordons, or their friends; while he, himself, would receive assistance from viscount Frendraught, the Frazers, Forbeses, and their allies. His progress, however, was stopped for eight days, by a mutiny among his

soldiers at Aberdeen, for want of clothes and pay, nor would they move, till their demands were satisfied, which he could not do, till a vessel arrived with supplies from Leith.\* This incident alone, shows the very different methods in which the king's forces, and those of the covenanters were supported. Wherever Montrose marched, he levied contributions for his army, on pain of military execution, from friend or foe. Here, notwithstanding the complaints of the high royalists, respecting the outrages of their opponents, we find the soldiers, remaining till their pay arrived, and then paying for their subsistence, for even Spalding, who speaks of their plundering, allows that their expenses "was reasonably well paid."† Being thus enabled to resume his expedition, Hurry proceeded to the lands of the Gordons, which he passed through, without either spoiling or burning, taking only from his enemies, what provisions he wanted for his troops, and obliging them to restore the cattle they had plundered from his friends. Lord Gordon, at his approach, retired to Auchindown, where he waited the advance of Montrose.

Montrose, who had been joined on his march, by lords Aboyne and Napier, with the lairds of Dalgetty and Keir, escaped from Carlisle, encamped at Skene on the 1st of May, whence he despatched a party to Aberdeen to procure ammunition, of which he was greatly in want. This he luckily obtained, from two vessels just arrived from Flanders with military stores, and immediately set out in pursuit of Hurry, with whom he had an indecisive skirmish on the 5th. The latter, inferior in numbers, retreated to Inverness,

\* Hist. of the Troubles, vol. ii. p. 295.

† Spalding estimates Hurry's army, after he passed the Spey, at one thousand foot, two hundred troops, and four hundred dragoons, besides the countrymen who joined him. Montrose' army at four thousand. Hist. vol. ii. p. 296. On Hurry's return from Inverness, after receiving the re-enforcements, his numbers are rated at about four thousand foot, and five hundred horse, while Montrose' is diminished to three thousand in all, although, he too had confessedly re-enforcements. Wishart gives Hurry, three thousand five hundred foot, and four hundred horse, and Montrose had with him, no more than fifteen hundred foot, and two hundred and fifty horse. I apprehend there was no great disparity of numbers on either side; but, if there were any superiority, it is likely it was in that of Hurry.

where, being re-enforced by some troops from the garrison, and joined by the earls of Sutherland, Seaforth, and Findlater, he returned with the intention of striking some grand blow, before Baillie should arrive to share the glory with him. Montrose, who was equally anxious for an engagement before the two armies joined, halted at the village of Auldearn, in the vicinity of Nairn, and, posted in an advantageous situation, expected the enemy. The field of battle he had chosen, was admirably adapted for deceiving his adversary. The village stood upon a height, and covered the neighbouring valley, this he chose as his centre, where he placed his cannon and a few picked troops, who were scattered among the houses, before which he had thrown up some hasty intrenchments, where their numbers were at once concealed and protected. The right wing, under Macdonald, consisting of only four hundred men, he stationed with the royal standard, as a decoy, on an eminence, inaccessible to cavalry, and defended by dykes, ditches, and underwood, and its strength obscured by the bushes and fortifications. The left wing, composed of the flower of his army, headed by himself, occupied the valley, its numbers also concealed by the inequalities of the place. Hurry, who was unacquainted with the ground, misled by the judicious arrangement of his opponent, fell into the snare; mistaking the right for the main body, he led on his choicest troops to the vain attack of lines it was impossible to reach, and exposed to the fire of cannon, he had no means to silence. Had Macdonald remained in his intrenchments, Hurry must have wasted his men in useless efforts, but irritated by the taunts of his assailants, he left his ground, and overcome by superiority of numbers, was put to the rout. Montrose, who watched his opportunity, when he perceived the enemy thrown into disorder by their success, poured down with his whole unbroken strength, and assailed them in flank. This unexpected attack, was received steadily by Lothian's, Loudon's, and Buchanan's regiments, who fell where they fought, and the day might perhaps have been retrieved, or, at least, left doubtful, had not colonel Drummond, one of Hurry's own officers, by an unskilful or

treacherous manœuvre,\* wheeled his horse into the midst of the foot, and trampled them down. In this battle and the pursuit, the loss of the covenanters was severe, about two thousand men are said to have fallen, as few prisoners were taken, sixteen colours, with all the baggage and ammunition, were the prizes of the victors.†

Although Hurry, an unprincipled mercenary, had abstained from wasting by fire and sword, the possessions of the anti-covenanters, and consequently provoked no retaliation, Montrose, faithful to his savage maxim of treating as rebels —forgetful that he had himself once been the most active among them—all who did not assist the king's arms, improved his victory, by ravaging the district anew, committing to the flames, the wretched gleanings he had in his former rapacious and merciless visitation, been compelled to leave, through incapacity to destroy. Nairn and Elgin, which formerly escaped, were now plundered, and the chief houses set fire to. The town of Cullen was laid in ashes, and “sic lands as were left unburnt up before, are now burnt up.”‡

Baillie, on leaving Athol, was ordered also to the north, but, as if the committee had intended to afford Montrose every facility for the exertion of his peculiar talents, and that of the soldiery he commanded, his best troops were directed to be left for the defence of the low countries, and he, with thirteen hundred foot, and one hundred horse, was directed to pursue and destroy an enemy, now at the head of double

\* He was afterwards tried by a court martial at Inverness, and shot. Gordon's Genealogical History of the earls of Sutherland, p. 525, et seq.

† All this was accomplished according to Wishart, who is gravely copied by Guthrie, vol. ix. p. 389, 391, with the loss of only one man on the left, and fourteen on the right of Montrose' army. As an instance of his rodomontade, it will be sufficient to quote the account he gives of Macdonald's prowess. After the right wing was defeated by Hurry, this chieftain “made sufficient amends for [his] rash mistake, by the admirable courage he displayed in bringing off his men; for he was himself the last that came off the field, and defending his body with a large targot, he opposed himself to the thickest of the enemy, and thus alone covered the retreat of his men; during which, some spearmen came so near him, as to fix their spears in his targot, which he cut off with his broad sword, by threes and fours at a stroke!”

‡ Spalding's Hist. vol. ii. Wishart. Rushworth, vol. vi.

his strength, and who, the very day that he received his instructions, had dispersed at Oldearn, the army with which he was intended to act. At Strathbogie, Hurry joined him with one hundred horse, the remnant of what had escaped with him at Oldearn, and with whom he contrived to pass through the heart of Montrose' forces. The numbers opposed were nearly equal, but Montrose declined fighting, and outmarching Baillie, betook himself to his old fastnesses, among the inaccessible rocks and woods, at the entry of Badenoch, where it was impossible to attack him, and where he could procure plenty of provisions from the interior for his men, while the enemy, in a desolated country, were exposed to the danger of absolute starvation. For some time they remained looking at each other, till Baillie's meal, upon which alone his army had subsisted, becoming exhausted, and his few horsemen having spent eight and forty hours almost without eating, he was obliged to break up, and march towards Inverness, to be supplied there, and Montrose made an excursion to the south, as far as Cupar in Angus.

Both having recruited, returned each upon his steps. Montrose was superior in numbers, and desirous to engage, Baillie, sensible of his own deficiency, was anxious to spare his men. Urged on by the reproaches of his friends, and the dictation of an imperious aristocracy, who did not consider the state of his forces, or their amount, and conceived it only necessary to issue mandates of the most contradictory nature. Baillie, dispirited by the reflections which he was conscious of not having merited, and orders he felt it impossible to execute, earnestly entreated to be released from his command, and another appointed in his room; in answer, he was directed to meet Lord Crawford at the mills of Drum, upon Dee, where a resolution of the committee was produced, depriving him of his trained soldiers,—including twelve hundred under colonel Hume, recalled from Ireland— who were transported to Argyle, and turning over to him a number of raw recruits to supply their place, with whom, amounting to about thirteen hundred foot, and two hundred and sixty horse, he was appointed to guard the passes to the Lowlands, but this arrangement was almost immediately,

and vexatiously altered. Argyle having refused the command, lord Lindsay marched with all the experienced soldiers into Athol, while a new order was transmitted from the committee to Baillie, desiring him, without regard to his circumstances, to find out, and engage the enemy. They met at the kirk of Keith, where Baillie having obtained advantage of the ground, offered battle, but notwithstanding his superiority of numbers, Montrose prudently refused accepting the challenge, and retired to Alford. Thither Baillie pursued him, and urged, it is said, by the impetuosity of Balcarras, was necessitated to fight, in opposition to his own judgment, under dispositions by no means propitious. Montrose had possession of a hill above Alford, behind which there was a marsh, that protected his rear, and his front was covered by another hill, that hid the extent of his force. In cavalry he was rather superior, and in infantry, double the number of his opponents. He formed in line six file deep, with his horse, under lord Gordon, on the right, and two bodies of reserve in the rear. Baillie formed also in line, but to meet the extent of his enemies' front, he could only form three file deep, and had no reserve. Balcarras, who commanded the horse, which were divided into three squadrons, charged gallantly with two, but the third, when ordered to attack in flank, drew up in rear of their comrades, where they stood till the others were broken by the Gordons. The foot, commanded by Baillie in person, fought desperately, and even after the horse had fled, and they were attacked in rear by the victorious cavalry of the enemy, refused to yield, nor was it till Montrose brought up his reserve, that the little intrepid band were overpowered and discomfited. The victory was complete, but Montrose had to lament the death of lord Gordon,\* whose funeral he celebrated with great military pomp at Aberdeen, shortly after the engagement, and despatching lord Aboyne, his brother, lord Gordon's successor in command, to raise recruits, or collect again the deserters, who had returned home,

\* The bishop here again desires his readers to believe, that in this furiously contested battle, Montrose lost not one private !

to secure the booty they had gained, he directed his victorious career to the south, where, flushed with uninterrupted success, he proudly anticipated new triumphs, while his mourning country wept in tears of blood, and eyed in blank amazement, the disastrous progress of the portentous adventurer, who owed the splendour of his fame to the misery he inflicted, and the evanescent power he then enjoyed, to the imbecility of the leaders, and the disunion of the councils by which he was opposed, to want of discipline among the men, the absence of military talent in the generals, and the factious divisions of the aristocracy, who guided the measures of the covenanters in the field.

While these transactions were taking place in Scotland, important events were evolving in the sister kingdom, and the two religious parties of presbyterians and independents were ranging in distinct and hostile array. It is here necessary to remark, that the reader of this portion of our history, should notice a distinction which historians have not sufficiently attended to, in the use of the term Independent. All the sectaries who objected to presbyterian church government, and who claimed for themselves the liberty of choosing their own creed, have been ranged under this denomination, and because they contended for this as their civil right, they have been represented as fighting in support of their peculiarities as a religious body. But **AN INDEPENDENT** is an enemy to religious war in any shape, so long as he remains true to his principles, he can neither propagate his religion, nor punish its enemies by civil pains or penalties of any description. He believes Christianity to be of divine origin, and he believes that its conquests can only be effected by the sword of the spirit, which is the word of God; by divine influence accompanying the peaceful promulgation of the gospel, and that the arm of power employed in this sacred cause, is an unhallowed weapon, which may make men hypocrites, but will never make them Christians. With such sentiments, it is not to be supposed they could very cordially support the compulsive scheme of church uniformity, even had their ideas of church government agreed with the covenanters. They were therefore viewed with peculiar suspicion by the

presbyterians, from the moment the latter conceived the probability of enforcing their favourite form, as the establishment throughout the three kingdoms.\*

Having succeeded in framing a common directory for worship, by occasional concessions on both sides, the assembly of divines at Westminster, to whose progress we must now attend, proceeded to complete the ecclesiastical polity, which the presbyterians pushed with renovated vigour, from the time the Scottish army obtained possession of Newcastle, as the general, in announcing that important advantage, had pressed upon the English parliament, the still greater benefit that would accrue from overcoming the difficulties that delayed the settlement of one uniform mode of church government. Thus far the independents agreed with the presbyterians, that there was a certain form of church government, of divine institution, laid down in the New Testament, but they differed as to what that form of government was; and whether any definite form was binding in all ages of the church, was a distinct question, in which the erastians were entirely opposed to the other two grand divisions of the assembled divines. Whitelock, who once had been rather friendly to the presbyterians, when the proposition was stated, ‘That the Scripture holds forth, that many particular congregations may, and by divine institution ought, to be under one presbyterian government,’ objected, that no form of government was *jure divino*, but that in general, all things must be

\* To establish uniformity of religious profession throughout a land, appears at first sight, an important and a proper object, and may be defended by reasons which are at least plausible. It would promote peace, and, freeing the ministers from the necessity of combating for matters of ceremony or form, which are generally productive of the most bitter animosity, would leave them leisure undistractedly to attend to the more essential and productive labours of their function. And could Christians be persuaded to be of one mind, guided by similar views of that only rule, which all parties acknowledge to be paramount—the Scriptures of the Old and New Testament—then the prospect of universal communion, and national uniformity would be desirable. But constituted as the human mind is, it evidently requires a power more than human, and a state other than this world has yet known, to produce so delightful a consummation: any other method by which it has been, or may be attempted, must ever be as hopeless, as it is tyrannical.

done decently, and in order. A government he allowed, was certainly *jure divino*, but whether presbytery, episcopacy, or independency, be that divine institution, whether there be a prescript, rule, or command of Scripture for any of these forms, he contended was by no means clear. He therefore requested the assembly to forbear upon this point at that time, because if presbytery were not *jure divino*, no opinion of any council could make it so, and if it were, it would still so continue, although they made no declaration on the subject: Selden and St. John were also of the same opinion, apprehending that presbytery would prove as arbitrary and tyrannical as prelacy, if it came in with a divine claim; but the assembly would not listen to any proposal of forbearance, and the subject was disputed for thirty days. The chief inquiry was respecting the constitution of the church at Jerusalem, which the independents, taking the texts of Scripture where it is mentioned in their plain meaning, affirmed always met together in one place, and that the acts of the church were the acts of one congregation consisting of the members and their office bearers; that when the apostles and elders, with the whole church, sent chosen men from their company, this was the deed of one congregation alone, and that although presbytery be mentioned in the New Testament, it implies no more than the eldership or presbytery of one particular church; for no mention is made any where in the Scriptures, of churches being ranged in presbyteries, classes, provincial synods, or general assemblies, in subordination to each other.

To these arguments the presbyterians answered, that the church of Jerusalem must have been made up of more than one congregation, as was apparent from the number of disciples, the many apostles and teachers, who could not have all exercised their gifts in one assembly; and from the diversity of tongues. That, when it is granted that the multitude was too great to meet in one place, and when the whole church is said to have thus met, it is evident it must have been their rulers alone, who could only have met in presbytery. In favour of the subordination of courts, it was said, our Saviour speaks of the appeal from one or two brethren to the whole

church, but this text was claimed by the independents, as more favourable to their congregational discipline. The appeal from the church at Antioch, to the apostles and elders at Jerusalem, was then urged; but the independents affirmed that a synod of presbyters is no where called a church, and that the appeal of the church of Antioch was only for advice, not judicial determination; but even supposing the assembly of apostles at Jerusalem to be a synod, it could neither be provincial, nor national to the church at Antioch, consequently no proof of subordination. The debaters then shifted their ground to the formation of the Jewish Sanhedrim, which the presbyterians considered as the antitype of the Christian church, and finally, by an overwhelming majority, voted sessions, presbyteries, synods, and assemblies, to be of divine authority.

The independents, in a written dissent, complained “of the unkind usage they had met with in the assembly, that the papers they offered were not read, that they were not allowed to state their own questions, being told they set themselves industriously to puzzle the cause, and render the clearest propositions obscure, rather than argue their truth or falseness;” they declared also, “that the assembly refused to debate their main proposition—whether a divine right of church government did not remain with every particular congregation.” To all which the assembly replied, “they were not conscious that they had done them any injustice, and as for the rest, they were the proper judges of their own method of procedure.”

During this discussion, the English parliament made many attempts to procure an accommodation between the parties, and the independents, when they saw that the presbyterians would carry the question, pled strongly for an indulgence or toleration, especially as they agreed in the essential doctrines of the Scripture; but the presbyterians considered it as an aggravation of the crime, to create a schism about lesser matters, when they agreed about the greater. The parliament, however, where the erastians predominated, still anxious to procure a compromise, or at least mutual forbearance, appointed a committee to act as mediators. Before it the question of uniformity was strongly insisted on by the presbyterians, from the danger of setting up altar against altar, and creating strifes, heresies, and

confusions in the church. The independents could not perceive the necessity of rigid uniformity for the preservation of peace, and argued, that it ought not to extend beyond people's light and measure of understanding, according to the apostolic canon, " As far as we have attained, let us walk by the same rule." But all the endeavours of the committee proved abortive; the unyielding presbyterians concluded their last paper, by a peremptory refusal to recede from their principles of coercion, which they avow in the following strange declaration, " That whereas their brethren say, that uniformity ought to be urged no farther than is agreeable to all men's consciences and to their edification: it seems to them as if their brethren not only desired liberty of conscience for themselves, but for all men, and would have us think that we are bound by our covenant, to bring the churches in the three kingdoms to no nearer a conjunction and uniformity than is consistent with the liberty of all men's consciences! which, whether it be the sense of the covenant, we leave with the honourable committee." Burroughs, a respected and eminent minister among the independents, replied, " That if their congregations might not be exempted from that coercive power of the classes, if they might not have liberty to govern themselves in their own way, as long as they behaved peaceably toward the civil magistrate, they were resolved to suffer, or go to some other place of the world where they might enjoy their liberty. For, while men think there is no way of peace, but by forcing all to be of the same mind—while they think the civil sword is an ordinance of God, to determine all controversies of divinity, and that it must needs be attended with fines and imprisonments to the disobedient—while they apprehend there is no medium betwixt a strict uniformity, and a general confusion of all things—while these sentiments prevail, there must be a base subjection of men's consciences to slavery, and great disturbances in the Christian world." Little did the divines think, that in less than twenty years, all their arguments would be turned against themselves, that they should be excluded from the establishment by an act of uniformity, and plead in vain for that indulgence they now denied men whom they acknowledged as brethren.

But the victory of the presbyterians was not complete till their system received the sanction of the parliament, and was established in the plenitude of its power, under all the pains and penalties usually inflicted by a dominant church. The majority of the house of commons, however, they knew, although friendly to the form of presbytery, were not friendly to the exclusive supremacy of presbyterian church courts, and they therefore endeavoured to carry by stratagem, the approbation of this body of the legislature. Their commissioners, warning all their supporters to be early in the house, brought on the question, in hope to decide it before the meeting filled; but Mr. Glyn, an erastian, aware of their intention, spoke an hour upon the *jus divinum*, and Mr. Whitelock succeeded him with a speech of similar, or greater length, and before he had finished, the house was filled, and the proposition from the assembly was carried in a modified shape, "That it is lawful and agreeable to the word of God, that the church be governed by congregational, classical, and synodical assemblies." Undescribable was the disappointment of the presbyterian ministers on the rejection of their claim to a divine right; they applied to the city, and obtained from the common council a petition, representing religion itself as in danger, if the discipline of the church by presbyteries were not established, and desiring that their powers might be ratified by law. The commons refused the petition. It was followed by another from the ministers, which was not only not allowed to be read, but a committee appointed to inquire into the origin of measures so disrespectful to government.\*

Connected with the ecclesiastical proceedings, were the political intrigues of the Scottish commissioners. Man is so much the child of circumstances, that it is impossible to predict *a priori*, how the same person will act in different situations. It is therefore no great matter of surprise, to find the pretensions of a church dominant very different from the petitions of the same association when under persecution. The Scots were at their highest point of elevation when the Solemn

\* The authorities I have followed in this brief notice of the Westminster Assembly, are chiefly Baillie and Whitelock, who were present, and took an active part in the proceedings, and Neal's History of the Puritans.

League and Covenant was entered into; they held, or at least supposed they held, the fate of the king and parliament in their hands, and had they been contented to reap the rich but rational profit which their situation afforded, they might have established a moderate—if tolerating—presbytery throughout the three kingdoms; but imagining, that instead of accomplishing this by argument or conviction, they were to achieve it by the efforts of their arms, they began to look forward to the rich pastures of the land, and anticipate them as the wages of their assistance. This prospect, if it did not beget, nourished and strengthened the principle of exclusive supremacy so natural to all establishments, and led them, by every method, to endeavour to attach to themselves the support of the civil and military power. The city of London was early favourable to presbytery, and the officers of the army were also inclined to support it, till the high pretensions of the ministers alienated the affections even of their friends,\* and drove them into the political measures of the independents.

In order to secure freedom from ecclesiastical bondage under a new shape, Cromwell, whose vigorous talents and exemplary conduct, procured him at the outset an influence in the council and the field, and whose manners gave him an hold in the affections of the people, which promised the highest rank in the state, decided at once to oppose the intolerant principles of the presbyterians.† He therefore became obnoxious to them, in proportion as he was put forward by the friends of religious liberty, and the credit which he acquired at the battle of Marston Moor, made them redouble their endeavours to get him removed from the army; their plots for this purpose, and their wishes to preserve in the army officers subservient to the presbyterian interest,‡ although of inferior ability, pro-

\* Baillie, vol. ii. pp. 61, 67.

† Baillie is an unexceptionable witness in this case: he was a keen opponent of Cromwell's, but he bears this testimony to his character. "The man, [Cromwell] is a very wise and active head, universally well beloved, as religious and stout," Letters, vol. ii. p. 60. He complains of his endeavours to procure toleration for the independents, ib. p. 61, and laments that "the great shot of Cromwell and Vane, is to have a liberty of all religions, without any exception," ib. p. 61.

‡ Baillie, vol. ii. pp. 66, 77.

duced, along with other causes, the self-denying ordinance, and the remoulding of the army, by which almost every Scotchman was dismissed the service of the English parliament.

Spring was considerably advanced before the new model was completed, but the superiority of discipline which it introduced, more than compensated for the delay. Their want of chaplains was decried by the presbyterians, but the lay officers supplied that deficiency, and bound themselves in closer union with the soldiers, by being at once their spiritual guides and military leaders. The king's party ridiculed the dismissal of the old, and the appointment of new officers,\* never suspecting that activity, spirit, and genius, could soon compensate for the want of common place routine; but the danger most to be dreaded was, lest a spirit of discontent might be engendered, by turning off so many respected commanders, whom the new regulations forced to retire, yet the zeal of the soldiers surmounted this, and the campaign opened with an army whose disposition and equipment soon rendered it respected. Cromwell, who was employed on a distinct service when the self-denying act passed, was met, upon his arrival at Windsor, where he came to take farewell of the army, by a dispensation, allowing him to continue in command for a certain time, and afterwards, at the particular request of Sir Thomas Fairfax, was nominated lieutenant-general of the cavalry. He justified the appointment, by almost immediately dispersing a brigade of the royal horse near Issip-bridge, consisting of the queen's, and three other regiments, taking the queen's standard, and a number of prisoners. Fairfax proposed commencing active operations, by marching to the relief of Taunton, which had held out to the last extremity, but being ordered by the committee of both kingdoms to besiege Oxford, he sent only a detachment, which, mistaken for the vanguard of his whole army, easily accomplished their object, though on the truth being discovered, they, in their turn, were besieged.

Simultaneously with the movements of the parliamentary

\* The new model was generally, by the king's party, called the new noble! Whitelock, p. 155

troops, the Scottish army was directed to march south, where they would have been joined by re-enforcements sufficient to have enabled them to cope with the forces under the king, but, chagrined at the marked disrespect paid them in the formation of the new model, and not satisfied with the plan of the campaign, they refused to act in concert, and marched and countermarched, till they allowed the opportunity of retaining their ascendancy in England to escape, disappointed their friends, and sank in the estimation of all parties. Meanwhile, Charles attacked, and carried the town of Leicester by storm, where the wealth of the surrounding country had been deposited for safety: that, he distributed among his soldiers, and allowed them besides, the pillage of the place, which they prosecuted with every species of outrage and inhumanity, conduct scarcely to be palliated in mercenaries, by the exasperation long resistance is calculated to produce in troops fighting only for plunder, but certainly difficult to reconcile with the boasted principles of humanity to which his majesty laid claim, and which his apologists have been ready to assume that he possessed.

Elated by this, and some other smaller successes, the king wrote to his consort, that his affairs were never in so hopeful a posture, and the parliament, roused by the public clamour, which magnified these advantages, sent directions to their general to raise the siege of Oxford, and proceed in pursuit of his majesty. He immediately ordered his forces to concentrate and march, with full determination to give battle;—a encounter between Ireton and the rear guard of the royal army, two miles from Naseby, about 11 o'clock in the evening, first informed Charles of the approach of the enemy. Taken by surprise, he summoned a council of war, to deliberate whether it would be advisable to retreat, or fight on the ground they occupied, when perceiving, that although the van might escape, it would be impossible to bring off the rear with safety, and considering themselves stronger in cavalry, not inferior in infantry, and commanded by much more experienced officers, it was resolved to risk an engagement, but to advance against the enemy, instead of waiting for his attack. Next morning, [Saturday, June 14th] the two armies drew up in order of battle, in a large field, about a mile broad, on the north-west side of

Naseby. The royal word was queen Mary—the parliamentary, God our strength. Fairfax was stationed on the brow of a small hill, whence he ordered a forlorn hope of three hundred musketeers, to advance about a gunshot, with instructions to fall back upon the main body, if hard pressed. The royal army marched up in line with great alacrity and resolution, prince Rupert, who led the right wing, commencing with a furious charge on the enemy's left. He was received by Ireton with equal bravery, but his repeated attacks were successful, and he broke and pursued them out of the field, as far as Naseby. Between the two main bodies, commanded by the king in person, with lord [late Sir Jacob] Astley, and the earl of Lindsay under him, on the one side, and Fairfax, assisted by Skippin, on the other, the battle was maintained long and doubtfully, till the superior generalship of Cromwell, with the right wing, decided their fate and the fortune of the day. He charged the left wing of the royalists, under Sir Marmaduke Langdale, with equal impetuosity and equal success, at the time that prince Rupert did that of the parliamentary army; but instead of wasting his advantage, he sent a detachment after the fugitives sufficient to prevent their rallying, and with the greater part of his victorious troops, wheeled to the centre, and attacked the king's main body in rear. One battalion only remained immovable, and ere Rupert's return, all except a body of horse which the king himself had rallied, were scattered over the field. With these Charles was desirous to renew the battle. "One charge more!" he exclaimed, "and we recover the day;" but the odds were too fearful, with horse alone to attempt a formed line of horse, foot, and artillery, would have been an useless prodigality of life, they could not be prevailed on to renew the attack, and retreated in disorder, to within two miles of Leicester, pursued by Fairfax's horse. The numbers slain in this battle were not in proportion to the importance or magnitude of the victory. They do not in all appear to have amounted to more than a thousand or twelve hundred, but the prisoners taken were five thousand, and the infantry so totally ruined, that hardly a fragment of a regiment could be collected. All the baggage, artillery, stores, and plunder belonging to the royal army was taken, and perhaps,

what was not the least important, the king's cabinet fell into the hands of the victors. In the engagement, the commanders of both armies distinguished themselves. The king was remarkable for his conduct and courage; he was among the foremost in danger, and among the last on the field. Old Skippin was early wounded, but when requested to leave the ground to have his wound dressed, he answered, he would not remove so long as a man would stand; and Fairfax himself, when his helmet was knocked off, on being offered one by D'Oilvy, lest so valuable a life should be too much endangered, refused to cover his own head at the expense of his friend's. No exposure was ever more complete than that of Charles, when his private correspondence was published; more deliberate perfidy could not exist, nor could the worst enemy of royalty have desired a more pitiful portraiture of kingcraft, than the letters of the "pious monarch" contained.

Astonished at his defeat, Charles retired into Wales with the remains of his horse, in the hopes of being able to recruit, in a country generally well affected to his cause, and to wait till the promised succours should arrive from Ireland, or the Continent, or till he could effect a junction with Montrose, to whom he now looked as the stay of his falling fortune. The parliamentary generals followed up their success with rapidity and effect. Leicester capitulated to Fairfax, two days after the battle of Naseby, and Taunton was again relieved at his approach. Bridgewater, Bath, and Sherwood were taken, and Bristol, which prince Rupert had been expected to defend for some months, surrendered as soon as the outworks were stormed; a disappointment at which the king was so much exasperated, that he recalled his commission, and sent him a pass to leave the country. After the fall of Bristol, Cromwell reduced Winchester and Bassinghouse, while Fairfax proceeded to Cornwall, where the shattered forces of Hopeton being forced to surrender, the whole of the western and midland counties, ere the close of the year, submitted to the authority of the parliament. The prince of Wales, now about fifteen years of age, afterwards Charles II. at the same time retired to France to his mother.

After the surrender of Newcastle, part of the Scottish army

besieged Carlisle, which bravely held out till the 28th June, when it capitulated upon honourable conditions. The remainder, who had marched as far as Rippon, upon receiving intelligence of the king's intention to penetrate to Montrose, removed into Westmoreland to cover the siege, and protect the borders, in opposition to the entreaties of the Scottish commissioners,\* who despatched messengers to hasten their advance south, in order to render effectual aid in the decisive operations which were daily expected. When the field of Naseby had been gained by the independent leaders, they then, towards the latter end of June, advanced to Nottingham, whence, on the 2d of July, they came to Melton Mowbray, and dispersed into several parties in Worcestershire and Herefordshire, obstructing the new levies attempted to be made for the king in these districts. They carried by storm a small garrison at Canon Froom, on the 22d, and about the same time, an attempt was made to seduce the generals into a negotiation with the king, through the medium of Sir William Fleming, nephew to the earl of Callendar, but although dissatisfied with the proceedings of the two houses, the proposals were instantly rejected, and transmitted to parliament, who, in return, voted a letter of thanks, and a piece of plate to the earl of Leven. It was then resolved, that Hereford should be invested by the Scots, who sat down before it on the 30th of July. In the beginning of August, Charles descended from Wales, and advanced to Litchfield, with the view, it was supposed, of raising the siege, but the earl of Leven having despatched David Leslie with the horse, to hover round his march, he made a demonstration as if he intended to proceed towards the north; there, Pointz and Rossiter opposing his progress, he broke into the associated counties, took Huntingdon, approached Cambridge, and returned with his army greatly re-enforced, to raise the siege of Hereford. Leven, whose forces had been left neglected from the time the parliamentary arms had become so decisive, had, notwithstanding the want of a battering train and ammunition, pushed forward the siege with great spirit. He had completed his mines, which were ready to

\* Baillie's Letters, vol. ii. p. 103.

explode, when a constant rain of eight days flooded the country, and rendered them useless, yet still he had determined to storm the city, when intelligence was brought him of the advance of the king's army, and the march of David Leslie into Scotland, with the whole of his cavalry, to meet Montrose, now master of the field. His situation was perilous, as the king was strong in horse, and the army was discontented, for they had only received one month's pay in six, and had been forced, during the siege, to subsist on fruits and growing corn, he therefore drew off his army, and commenced his route northwards. When the besiegers had departed, Charles visited Hereford, where he learned the fall of Bristol, and the hazard of Chester. As the latter was necessary to secure the safe landing of his expected succours from Ireland, he hastened to relieve it. Within two miles of the city, Pointz encountered him, and was repulsed, but an attack from the camp of the besiegers on his rear, snatched the victory from his hands, and he was forced, with the broken remains of his troops, to betake himself once more to the mountains of Wales, whence, after refreshing his men, and collecting a little army of about three thousand, he came to Newark on the 4th October: alarmed by the still continued success of the parliamentary arms, and fearing to be besieged, he departed during the night, with a slender guard, for Daintry, where he was met by the earl of Northampton, who escorted him to Oxford.

A grievous pestilence, which desolated the south of Scotland, prevented the estates from assembling in Edinburgh. They met first at Stirling, and afterwards at Perth, in the months of July and August, 1645, but their acts for the security of the country were vigorous, and commensurate to the dangers which were daily accumulating around them. An extensive levy was ordered; the noblemen were enjoined to arm, and all emigration to Ireland or England, or deserting the standard of their country, were declared punishable by the severest penalties. At the same time, they signified their approbation of their two generals, Baillie and Hurry, although both had been unfortunate. The former, who had tendered his resignation at Stirling, was prevailed upon still to continue in command, under the directions of the chief noblemen. But the efforts of

the country ill seconded the orders of the parliament. The forces were tardily raised, and almost wholly undisciplined, while the troops of Montrose had now been thoroughly trained, and were elated with a continued series of success. The covenanters assembled in the neighbourhood of Perth, to guard the parliament, and Montrose having waited a few days for the return of Aboyne, set out himself on his march south, to prevent the levies in Fife, break up the meeting of the estates, and effect a junction with the detachment of horse he expected from the king. In his progress he was joined by the Atholmen, the Macleans, Macgregors, the Macnabs, the chief of Clanronald, and Glengarry, who were attracted by the news of his success, and the hopes of sharing in the honours or the spoil.

Wherever he went, his unextinguishable hatred to the name and clan of his rival Argyle, displayed the rancour of an envious soul, and the cruel revenge, of which a bandit or a partisan alone could have been guilty. Macdonald, with his Irish, were unleashed upon the Campbells in the lordship of Cupar, and carried murder in its coldest, most deliberate, and revolting shape, into the cottages, whose burning ruins were left smoking, to cover the mutilated remains of their massacred inhabitants. But Baillie, although formidable only in appearance,\* hung upon his rear, and he retreated northward, to meet the expected arrival of Aboyne. On being joined by him, he encamped in the wood of Methven, and threatened Perth, but, deficient in cavalry, upon the appearance of the covenanters, he judged it prudent to retreat once more to the hills, to await the arrival of fresh re-enforcements. During this movement, he exposed himself to have been attacked in

\* The description of the armies under Elcho and Argyle, vide pages 159, and 181, will apply to all the raw levies of the Lowland Scots. They were only gathered together for an occasion; when a mere temporary purpose was served, the poverty of the country could not keep them imbodyed, and they were disbanded; when re-collected, the little discipline they had learned was an absolute disadvantage. It totally unfitted them for acting in a collected body, and, at the same time, cramped their individual energies, and destroyed their capacity for regular warfare. The troops of Montrose, although somewhat similarly raised, were a totally different description of men. The majority of the Lowland levies were people accustomed to the

flank, and orders were issued by Baillie, for Hurry to harass him with Balcarras' regiment, but that officer was so negligent and slow in his motions, that he allowed the enemy to pass the ford of the Almond in safety, Baillie himself with the foot, arriving nearly as soon as he did with the dragoons, and, instead of finding an enemy disordered by an unexpected charge of cavalry, saw them at a distance, retreating in good order among the hills, secure from any attack by horse; and had his infantry been even superior in numbers, their training was so short, and their discipline in consequence so wretched, that nothing but necessity, and the most decided superiority, both in strength and ground, could have justified the hazard of an engagement, on the part of the covenanters.

Joined by his recruits from Lochaber, Montrose descended from the mountains, and finding that a number of the newly raised and irregular forces of his opponents had retired home, he endeavoured to provoke them to battle, but their little army was intrenched, and were expecting the assistance of three Fife regiments. Finding that he could not induce the covenanters to leave their intrenchments, nor assail them where they were, he burned the parishes of Muckhart and Dollar, and quartering his main army in the wood of Tullibody, he let slip his dogs of war, the wild Irish, during the night, to spread the horrors of nocturnal rapine and bloodshed, through the town of Alloa, and the adjoining lordship, notwithstanding which, he himself, with the earl of Airly, and his chief officers, were next day magnificently entertained in the castle, by the earl and countess of Marr.\* From Alloa, his route was directed south-west, for the purpose of counteracting the earl of Lanark, at this time busily employed in raising a new levy in

regular peaceful occupations of life, whose spirit was indeed unconquerable, and whose bodies were as stout as the others; but the Highlanders were universally and constantly accustomed to marauding expeditions. If not engaged against the common enemy, the *Sassenach*, they were in unceasing action by the feuds among themselves. They were like the links of the chain, ready moulded, and needed only to be collected and fastened, while the others were the rude material, awkwardly half formed, unfit, when collected into a mass, for connecting with their fellows, and useless by themselves.

\* Guthrie's Memoirs, p. 193.

Clydesdale, and passing the Forth above Stirling, he encamped at Kilsyth, a village in the extremity of the shire. The covenanters' army, on being joined by the Fife regiments, followed, and marching by the bridge of Denny, halted at the Holland bush the same night, two miles and a half from the enemy.

General Baillie, who wished only to observe their motions, knowing well what kind of troops he commanded, was over-ruled by the committee, and the army ordered to approach nearer them. This was accomplished by a difficult march over corn fields and broken ground, but the position he took up was advantageous, and at no point could have been attacked by a front of more than twenty men. The lords, however, who were informed that Montrose was marching westward, afraid that he would carry his ravages into that part of the country which had still escaped his fury, or that he would again seek refuge in the mountains, were eager to engage. In vain did Baillie urge, that it would be ruinous to leave their strong position, and that the loss of the day would be the loss of the kingdom, while he, if defeated and driven to the hills, would suffer no comparative damage. Only one lord, Balcarres, agreed with him in opinion, and the army was ordered to remove to a hill on the right, whence they could descend upon the enemy with effect, or receive their attack upon the height, under every advantage. In proceeding to take up their new alignment, the different officers acted as independent commanders, remaining at, or quitting the stations to which they were directed, as they judged most convenient. The consequence was inevitable; the enemy, under the sole direction of one leader, soon perceived their confusion, and before they had all arrived at the ground, attacked with impetuosity. The charge was successful. The horse were driven back upon the foot, and the disorder became at once general and irremediable. The Highlanders and Irish, half naked, rushed upon the panic struck multitude with wild outcries, and during a pursuit of fourteen miles, followed the fugitives with unrelenting rage, covering the country with the carcasses of the unarmed crowd, who had thrown away their weapons, and sought safety in flight. No quarter was given, and the historian

of Montrose' wars exultingly relates, " That six thousand were put to the sword, and even the vanquished themselves allow five thousand to have fallen. The loss on the side of the conquerors was small, and the whole of the ammunition, baggage, and stores of the covenanters, were the reward of the victory."\*

Not an enemy now remained in the field to oppose Montrose, who marched next day into Clydesdale, and established his headquarters at Bothwell. Glasgow submitted, and was saved from being plundered, on paying a considerable ransom, only a few of the principal inhabitants were put to death, as incendiaries, in order to inspire terror into the rest. But it was now necessary to affect moderation, in order to induce the people to join the royal standard. To those who congratulated him upon his success, he behaved with affability and condescension. " All he demanded of them," he said, " was to exchange the rapacious and oppressive tyranny of the covenanters, for the mild government, and tender protection of their most gracious sovereign. For his own part, his only intention, from the beginning of these troubles, had been to endeavour, by force of arms, seeing all other means had proved ineffectual, to preserve the religion and liberty of his country, to defend the king's prerogative and the dignity of the peerage, and to rescue the property and privileges of his fellow subjects in general, from the oppression and tyranny of a rebellious faction, and to restore the people to their ancient peace, happiness, and splendour."

Lanark suspended his levy, and fled, on receiving intelligence of the loss of the battle of Kilsyth, the principal covenanters sought asylums in England and Ireland, and a number of the nobility who remained, hastened to make their peace, by offering their assistance to Montrose. Among these were the marquis of Douglas, the earls of Linlithgow, Annandale, and Hartfield, the lords Seton, Drummond, Erskine, Fleming, Carnegie, Maderty, and Johnston, besides Hamilton of Orbiston, lord justice clerk, with several other gentlemen of distinction. From his camp, Montrose de-

\* Wishart. General Baillie's Account of the Battle of Kilsyth. Baillie's Letters, vol. ii.

spatched a strong party of horse, under his nephew, the master of Napier, and Nathaniel Gordon, with a letter to the magistrates and council of Edinburgh, requiring them, under pain of military execution, to set at liberty all his friends, particularly the earl of Crawford and lord Ogilvy, who were confined as prisoners of state. With this demand, the magistrates, who were in no condition to dispute, immediately complied, and the dreadful pestilence, which prevented the inhabitants from removing their valuable effects to places of safety, secured them where they were, as the dread of catching the infection prevented Montrose from entering the city, and saved it from that vengeance which his army was so well disposed to inflict.\*

Montrose was now at the summit of his elevation. Sir Robert Spotswood, acting secretary of state for the king, had arrived with a commission from his majesty, appointing him captain-general of Scotland, and he immediately proceeded to exercise his high office, by conferring the honour of knighthood upon his trusty friend Macdonald, and summoning a parliament to meet at Glasgow, on the 20th of October. But his triumph was of short duration, and his very success carried along with it the seeds of decay. The savages with whom he had achieved his victories, instead of inspiring confidence, spread dismay even among those who might otherwise have been disposed to aid the royal cause. The whole land resounded with the accounts of their atrocities, and their adherence could only be secured by the hope of fresh depredation; he could depend upon the Irish alone, who were objects of universal execration and horror; and they were kept together merely by the license they enjoyed of revelling in the plunder and misery of the country, and the impossibility of their either going home, or separating with safety. As soon as they had obtained what they deemed, for the present, sufficient booty, the Highlanders deserted without hesitation, and retired, in the true disposition of half civilized marauders, to their hills, to enjoy in indolence, the fruits of their temporary exertions. His honours, as they

\* Wishart's Memoirs, ch. xiv. Guthrie's Memoirs, pp. 193—196. General Baillie's Vindication. Maitland's Hist. of Edinburgh, p. 86.

were not shared among the other leaders, excited an envy and discontent his haughty and arrogant spirit was not calculated to allay. He had received the submission of the towns, but he had no where gained their affections. He had taken no strength; in case of disaster, there was no fortress to which he could retire, and no friends to collect to his assistance, even if there had. He possessed no hold upon the country, beyond the terror which the horde he commanded had inspired, and they were only safe within the precincts of his camp. Instead of increasing in effective strength, Montrose found his numbers diminish during his stay at Bothwell. His mountaineers requested permission to depart with their plunder, the Gordons retired with their chiefs in disgust, and Sir Alexander Macdonald, as there was no longer an army in Scotland, seized the opportunity to renew his spoliation, and avenge some private feud of his clan in Argyleshire.\* The captain-general had no resource but in incessant operations; inactivity was destruction, and to prevent his army from mouldering wholly away, he turned his views to the south. Hume, Roxburgh, and Traquair, were favourable, and he expected to be joined by them, and by a body of horse, which the king had informed him he had sent to his assistance. These auxiliaries, amounting to about fifteen hundred, whom his majesty had despatched under lord Digby, accompanied by Sir Marmaduke Langdale, were defeated in Yorkshire, by colonel Copely, and Digby's carriage, containing papers of great importance, was seized.† The two leaders next endeavoured to raise another

\* The report at the time was, that in consequence of the pacification with the Irish rebels, ten thousand men completely armed, half muskets and half pikes, were to be sent over to Macdonald, designed to run through the Lowlands of Scotland, and then to ruin the malignant north of England, while the king of Denmark's son, Woldemar, was to bring over to the north of Scotland, some three or four thousand old Dutch soldiers, and from France, eight or ten thousand, with a convoy of Holland vessels, to join the king's army in Cornwall. Baillie, vol. ii. pp. 185, 186. That a plan somewhat very similar was in agitation, was discovered by the papers taken in Digby's carriage. Vide next Note.

† These papers related to negotiations for bringing over the duke of Lorraine, with a foreign force, to aid the king, respecting aid from Denmark and money from Rome, and a treaty between Fitzwilliams, an Irishman, and the

party in Lancashire, but were finally dispersed on Carlisle sands, by Sir John Brown, the governor of the castle, a Scotchman, a short while before Montrose set out to attempt effecting a junction with them; and while he waited near the borders the promised assistance of the neighbouring earls, David Leslie retrieved the character of the covenanters from the disgrace of Kilsyth, and avenged the miseries which an unbridled band of denounced murderers had for so long wantonly inflicted on the country.

Upon the first news of Baillie's disaster, David Leslie left the Scottish army before Hereford, and with the whole cavalry, and some foot, returned to Berwick, whither a number of the chief covenanters had fled. His intention was to cut off the retreat of Montrose to the north; but when he reached Gladsmuir, in East Lothian, about three miles west from Haddington, he learned that his opponent was lying secure in Etterick Forest, near Selkirk, and instantly changing his intended plan, ordered the whole army to turn to the left, and strike southward by the way of Strath-gala. Montrose's deficiency of intelligence, which had twice nearly ruined him before, was here fatal. His adversary knew how to improve it. Night concealed Leslie's motions, and he was within half a mile of the enemy, ere Montrose's breathless scouts gave intelligence of his approach. He instantly ordered two hundred musketeers to advance, as a forlorn hope, if possible to retard the approach of Leslie, while he formed his order of battle as well as the hurry of the moment would allow, in Philiphaugh. His one flank was secured by a ditch, and his other, by dykes and hedges, which he lined with musketeers. The remainder of his army was drawn up in line, with the horse on the right. His advanced guard was quickly driven in; but his infantry for a whole hour maintained their ground, and contested the day with all the fury of desperation, till at last Leslie made a tremendous charge with his own regiment, and broke the foot; the horse, who were inferior, could make little resistance. Mon-

queen, for bringing over ten thousand Irish to England, all which were carrying on at the time the king was making the most solemn protestations and oaths, that he had no intention of applying to either foreigners or Irish.  
Rush. vol. vi. p. 130.

trose himself fought bravely, and rallied his horse twice, but they were unable to check their pursuers, and their ineffectual attempts were only productive of greater loss. A thousand royalists were left upon the field, and a hundred Irish were afterward shot at a stake, a severe retaliation, but one which the laws of war allow—and which that party violence, alone, that would confine mercy to one side, and absolve whatever cruelty is perpetrated, under the abused term loyalty, from punishment, can with any consistency condemn.\* To accuse the ministers of inciting the soldiery to unnecessary acts of cruelty, is a charge which comes with a bad grace from historians

\* It is almost unnecessary to refute the calumnies of Wishart, as they meet with credit from none except the most desperate anti-covenanting writers. It may be sufficient to notice, that the good bishop precipitates men, women, and children over a bridge into the Tweed, at a time when there happened to be no bridge over that water from Berwick to Peebles, and the horror he attempts to excite at the cold-blooded massacre, will, perhaps, diminish, when we consider his own statement. The horse of Montrose's army were, as he states, but few, and they in general escaped with himself. His whole infantry who fought with desperation, amounted to five hundred. Of these, two hundred and fifty rejoined him next day, so that for all the dreadful massacring, there remained only two hundred and fifty subjects! Wishart, book xvi. Guthrie, who also mentions the story of the clergy, is an author in these cases, not of undoubted authority. In what relates to Montrose, he seems to have almost entirely copied Wishart. The Irish who were shot at a stake, were executed according to a treaty between the two kingdoms, in consequence of the horrible massacres which everywhere distinguished their career, and the guilt of all this terrible mode of warfare, must remain with those who authorized the employment of savages, whose atrocities had cut them off from the common mercy, such as it is, of civilized warfare. It is absurd, or worse, to lay the blame on the ministers, the whole land cried out for their execution. At St. Andrews, this year, the parliament, though otherwise merciful, passed an act, ordaining the Irische prisoners taken at Philiphaugh, in all the prisons of the kingdom, especially in the prisons of Selkirk, Jedburgh, Glasgow, Dunbarton, and Perth, to be execute without any assize or process, *conforme to the treaty betwixt both kingdoms, passed in act.* Balfour's Annals, vol. iii. p. 340. From this it is evident, that a number of the Irish who were at Philiphaugh, were spared by the soldiers and made prisoners, so that the story of their being massacred by order of the ministers, falls to the ground, Spotswood, Murray, &c. did afterwards, upon their trial, plead "quarter," but they were spared by the soldiery, and the plea over-ruled by the parliament, on the same grounds that the English parliament over-ruled a similar objection urged by the duke of Hamilton.

who could exult in the recollection of such wanton unsparing waste of life as in the rout at Kilsyth, or applaud the humanity of Montrose at Aberdeen. That chief, as suddenly humbled as he had been excessively exalted, passed through the country where, two days before, he had marched as lord paramount, attended by a few horse, and with a more rapid flight, sought to regain the fastnesses of the mountains, nor stopped till he had reached the recesses of Athole. The marquis of Douglas, lords Crawford, Erskine, Fleming and Napier, were equally fortunate in making their escape; but lords Hartfield, Drummond, and Ogilvy, Sirs Robert Spotswood, A. Leslie, William Rollok, Philip Nisbet, William Murray, brother to the lord Tullibardin, Ogilvy of Innerquharity, Nathaniel Gordon, Andrew Guthrie, son to the bishop of Moray, and two Irish colonels, Okean and Laghlin, were made prisoners, and sent to the castles of Edinburgh and Stirling, to stand trial.\*

\* The defeat at Philiphaugh has been usually treated as Montrose's misfortune, but had he been the hero his admirers wish to represent him, it was a misfortune that could not possibly have happened. He was great only when opposed to such soldiers as the raw Lowland levies were; no sooner were trained men brought against him, than he was ruined by the most egregious of blunders into which a military leader can fall, that of allowing himself to be surprised by an enemy who he knew was in the neighbourhood. That he was totally inexcusable upon every principle of good generalship, is plain from Sir Robert Spotswood's letters to lord Digby, written by him before the battle of Philiphaugh, and found in his pocket when he was made prisoner. " My Lord, we are now arrived, *ad columnas Herculis* to Tweedside, dispersed all the king's enemies within the kingdom to several places, some to Ireland, most of them to Berwick, and had no open enemy more to deal with, if you had kept David Leslie there, and not suffered him to come in here to make head against us of new. It is thought strange here, that at least you have sent no party after him, which we expected, although he should not come at all. You little imagine the difficulties my lord marquis hath here to wrestle with; the overcoming of the enemy is the least of them: he hath more to do with his own seeming friends since I came to him—which was but within these ten days, after much toil and hazard—I have seen much of it. He was forced to dismiss his Highlanders for a season, who would needs return home to look to their own affairs. When they were gone, Aboyne took a caprice, and had away with the greatest strength he had of horse; notwithstanding whereof, he resolved to follow his work, and clear this part of the kingdom, that was only resting of the rebels that had fled to Berwick, and kept a bustling here. Besides, he was invited hereunto by the

Leslie, after this victory, brought his army to Lothian, where the two Irish officers were tried by martial law, and executed. Thence he accompanied the committee of estates to Glasgow, where they, in conjunction with the committee of the church, deliberated on the measures necessary for ensuring the internal peace of the kingdom, and completing the reduction of Montrose. The committee, as a mark of gratitude, voted fifty thousand merks and a gold chain to Leslie, and 25,000 merks to Middleton. They then proceeded to the trial of some of the prisoners taken at Philiphaugh, Sir William Rollock, who had accompanied Montrose from England, and who was specially excepted from the general offer of amnesty made by the parliament at Perth, Sir Philip Nisbet, and Ogilvy of Innerquharity, who were found guilty of rebellion against the state, and executed at Glasgow. The fate of the others was deferred till the meeting of parliament.

Shorn of his beams, Montrose, with some difficulty, was able to raise about four hundred men in Athole, with whom he marched; but the Highlanders, however attached to a fortunate plunderer, showed little disposition to join a defeated captain-general. He acquired no great addition to his forces, and Huntly, who had left his concealment, did not encourage the appearance of a superior in his districts, especially one whose former faithlessness he had not forgotten, and whose previous insults had been aggravated by his succeeding neglect, as he

earls of Roxburgh and Home, who, when he was within a dozen miles of them, have rendered their houses and themselves to David Leslie, and are carried in as prisoners to Berwick. Traquair hath been with him, and promised more nor he hath yet performed. All these were great disheartenings to any other but to him whou nothing of this kind can amaze. With the small forces he has presently with him, he is resolved to pursue David Leslie, and not to suffer him to grow stronger. If you would perform that which you lately promised, both this kingdom and the north of England might be soon reduced, and considerable assistance sent from hence to his majesty. However, nothing will be wanting on our parts here; those that are together, are both loyal and resolute, only a little encouragement from you—as much to let it be seen that they are not neglected, as for any thing else—would crown the work speedily. This is all I have for the present, but that I am your lordship's most faithful friend. Ro. Spotswood."

*Dated, near to Kelso, Sept. 10th, 1645.*

had never, in any of his despatches, represented the services of the house of Gordon in a favourable light to his majesty, nor procured for their chiefs any share in these honours which their followers had so mainly contributed to procure for himself. Disappointed in his attempts to obtain any assistance from Huntly, he returned by Braemar into Athole, and thence marched into Lennox, where he quartered for some time on the lands of the Buchanans, and hovered about Glasgow, till the execution of his three friends gave him warning to withdraw to a safer neighbourhood. While in the west, he made several attempts to persuade Sir Alexander Macdonald, his own knight, to join him; but the fascination of his name had fled, and he found him equally unwilling to serve under a leader, in whose dangers and defeats he might share, but who was too proudly selfish to endure a partner in his power or his fame. He also despatched messengers to Huntly with magnificent promises in the king's name, of the assistance which was approaching, and entreating him to exert himself in his royal master's cause. But when he retreated from Lennox back to Athole, he found his messenger returned, and his hopes from that quarter at an end, for the marquis had heard of Digby's defeat, and remained inflexible in his resolution of acknowledging no superior, and of allowing his clan to serve under no other commander than himself. Montrose was therefore constrained to wander during the winter, with a feeble and despicable band, in the remote wilds, watched by Middleton, who was appointed by the committee of estates, to prevent him from again becoming formidable; while general Leslie, with the rest of the troops, returned to England, and joined the Scottish army under Leven, who were engaged in the siege of Newark-upon-Trent.

THE  
**HISTORY OF SCOTLAND.**

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Book IX.

FIERCE as were the conflicts between the parties in the field, the contentions for superiority between a different set of combatants were scarcely less vehement at Westminster. The assembly of divines, when they could not obtain the sanction of the parliament to the divine right of presbytery as a whole, claimed the power of the keys for the eldership or presbytery, as at least *jure divino*. They had voted, “ That the keys of the kingdom of heaven were committed to the officers of the church, by virtue whereof, they have power respectively to retain and remit sins, to shut the kingdom of heaven against the impenitent, both by word and censures, and to open it to the penitent by absolution; and to prevent the profanation of the holy sacrament, by notorious and obstinate offenders, the said officers are to proceed by admonition, suspension from the sacrament of the Lord’s Supper for a season, and by excommunication from the church, according to the nature of the crime and the demerit of the person.” The independents claimed for every particular congregation a similar power, and of judging with respect to the cases in which it should be exercised; but excommunication in Scotland was attended with severe civil penalties, and was capable of being rendered as terrible an engine of oppression as the high commission court. This power the presbyterian ministers were inflexible in demanding, and, at the same time, were equally resolute in refusing toleration to any sect which did not acknowledge it. Every congregation and every meeting, however small, was to

be under the inspection, and subject to the rule of the presbytery within whose bounds it lay. The political leaders, or erastians, resisted this, and Selden contended, that excommunications, as civil punishments, were unknown till two hundred years after Christ, when they were introduced by the popes, Victor and Zephronius, who first began to use them in their private quarrels, and so far from being *jure divino*, they were evidently human inventions borrowed from the practice of the heathen. Whitelock insisted, that every member of a Christian congregation had a right to partake of the Lord's Supper, that if deemed unworthy, he might be warned against coming to the sacred table, but if he chose to come, no pastor had a Scriptural power to refuse him admittance. "Some have said," he continued, "that it is the duty of a shepherd, when he sees a sheep feeding upon that which will do him hurt, to chase him away from that pasture, and they apply this to suspending those from the sacrament, who they fear, by eating and drinking unworthily, may eat and drink their own damnation. But it ought to be observed, that it is not receiving the sacrament, but the unworthiness of the receiver that brings destruction, and this cannot be within the judgment of any but the person himself, who alone can examine his own heart, and as a punishment for evil conduct, where the temporal sword is sufficient, there will be no need for this new discipline." Influenced by these arguments, the parliament, although they did not deem it prudent wholly to reject the ordinance for excommunication, as the complaint had been general, that ministers were obliged in the then unsettled state of the church, to allow worthy and unworthy communicants to mingle without discrimination, yet unwilling to concede an authority, which might be wantonly employed by the ecclesiastical rulers, to blast the reputation, or invade the comfort of those with whom they were displeased, they required the assembly to specify in writing, what degrees of knowledge in the Christian religion, were necessary to qualify persons for the communion, and what sorts of scandal deserved suspension, or excommunication, which were accordingly enumerated, and inserted in the ordinance; but to prevent an abuse even of this, an appeal was permitted to the civil power.

In adopting the form of presbytery, as the basis of an estab-

lishment, which the parliament did by way of experiment, they determined to grant to the church no power over the sword; the cognizance and examination of all capital offences, was reserved entire to the magistrate appointed by the laws of the kingdom, and the presbytery or eldership were prohibited from interfering in any thing relating to contracts, payments, or demands, or of any matter of conveyance, title, interest, or property, in lands or goods. The constitution of the presbyteries was similar to those in Scotland, from whom an appeal might be made to the synod and assembly, but lay members were excluded from this last high court, and an appeal also was allowed from their decisions, either to parliament, or to commissioners appointed by it. Against this superintending power of the magistrate, the presbyterians loudly exclaimed, and their opponents said of them, that instead of being content to have “kings and queens, to be nursing fathers and nursing mothers to the church, they would not be satisfied unless they had them as humble servants, and most obedient children.” The parliament, however, persisted, and when petitioned by the city of London, and the English ministers, they respectfully reminded the former, that legislation was the more immediate province of the two houses, and hinted to the latter, that their most laudable employment was to watch over the spiritual interests of their individual flocks.

Grieved as the Scottish commissioners were, at the shackles which were proposed upon the church, they would have persuaded their English brethren to have submitted, and waited with patience till time might have enabled them to complete the divine fabric, could they only have obtained, that presbytery, such as it was, should have been the exclusive form, and no other tolerated. But the independents, who were now favoured by the army, had rapidly increased, and the whole of their weight being added to that of all who did not wish for merely an exchange of clerical masters, they not only thwarted the scheme of presbyterian supremacy, but strenuously contended for liberty of conscience; and the continued success of the new modelled army gave vigour to their party, while the inactivity of the Scottish force was a constant source of vexation and disappointment to the others, whose hopes

and projects rose and fell according as they stood well or ill with the public. The Scots having calculated so much upon their army, their mortification was proportionably great, when they perceived that the most decisive and prosperous campaign had been carried on under the direction of the sectaries, and they complained that the parliament hearkened to their requests, in attending to petitions for guaranteeing to them that religious freedom for which they were so triumphantly combating, forgetting that their own general had set the example of annexing to his despatches requests to hasten the settlement of the church polity. Their mortification was, however, still farther heightened by the marked preference which the parliament of England most naturally paid to their own troops, whose ranks were assiduously kept full, and whose wants were minutely attended to, and their querulous vanity attributed it to a design for preventing the Scots from eclipsing the deeds of their rivals in arms, as well as for counteracting the establishment of uniformity. The Scottish army had undoubtedly been neglected, in consequence of their refusal to advance before the battle of Naseby, and afterwards, in proportion as the English parliament felt that they could dispense with their services, but they were accused of supplying their wants by vexatious contributions, which they levied in the districts where they were quartered, and their discipline had obviously relaxed as their pay became irregular. When they raised the siege of Hereford, the dissatisfaction on both sides was so strong, that it was with some difficulty Leven was stopped from retiring to Scotland, or that the English parliament would consent to pay their arrears; nor was it till after he had refused to return, nor till a promise of more punctuality in future had been made him, that he countermarched. But the arrangement upon which he remained, bespoke a diminution of that confidence and cordiality which had hitherto subsisted;—the houses voted, that the Scottish army should levy no taxes or assessments on the counties through which they passed, but stipulated, if they sat down before Newark by the 1st of November, they should forthwith have thirty thousand pounds towards their pay, together with military stores and other necessaries; and, on the report that a Mr. Case

was to be tried by a Scottish council of war, they resolved, that the Scottish army had no power to try any Englishman by martial law; and that Carlisle, Tinby castle, Hartlepool, and other garrisons in the north, now in possession of the Scots, should be disposed of according to the directions of the parliament. At last, the Scottish army did obey the summons, and the earl of Leven was appointed to command both English and Scottish during the siege of Newark, before which the army lay till the beginning of May, 1646, when his majesty came privately and took up his residence among them.

As the disputes between the independents and the presbyterians increased, the king, whose hopes of restoration to power by force of arms had nearly expired, while he continued his intrigues with the Irish, commenced new ones among the English and Scots, with the design of attaining his darling object—unlimited authority—by that most indefensible of all a monarch's means, increasing the dissensions, and availing himself of the distractions of his people. For this purpose he was anxious to go to London, where he supposed he would be better able to manage with effect his double, or rather treble, negotiations, and accordingly solicited from the parliament passports for commissioners to carry propositions for peace. The parliament, who had very little faith in the king, not immediately answering his letters, he sent a third, proposing to come himself to the capital, if the two houses, the commissioners for Scotland, and the mayor of London, with the generals of the Scottish and English armies, would grant a mutual guarantee for his safety for forty days, during which a treaty might be concluded. He offered to give up the militia for a time to be agreed on, to re-establish the church of England as it was in the days of queen Elizabeth, with liberty of conscience to dissenters, and that the affairs of Ireland should be submitted to the two houses. In answer, the two houses told the king, "That there had been a great deal of innocent blood of his subjects shed in the war by his majesty's commands and commissions; that there had been Irish rebels brought over into both kingdoms, and endeavours to bring over more, as also forces from foreign parts; that his majesty

was in arms himself against the parliament of England, while there were forces also in Scotland in opposition to the parliament of that kingdom, and that the troubles in Ireland were fomented and prolonged by his majesty. In these circumstances, they said, they could not perceive how it would conduce to peace, for his majesty to come to his parliament for a few days, with any intent of leaving it, especially of returning to hostility against it; but added, that they were drawing up propositions which would be transmitted to him, his assent to which would be the only way to obtain a happy and well grounded peace."

The seizure of Charles' cabinet at Naseby, and of Digby's correspondence, had so completely developed the insincerity of the king in all his former proposals, that the parliament would listen to none of his new propositions; and their distrust was still farther confirmed, by the discovery of another instance of deceit in his transactions in Ireland, and of the endeavours he was at this very time making to obtain the assistance of an army of rebels, to be in readiness to strike in when the other parties with whom he was tampering had been induced to commence hostilities, of which he then seems to have had sanguine expectations. The Scottish troops in Ulster, and the English who adhered to the covenant, having, as was already noticed, never acceded to the cessation, continued hostilities during the year 1645, and penetrating into Connaught, took Sligo. The Irish, resolved to regain the town, surrounded it in the month of October; but the governor, in a sally which he made in conjunction with Sir Francis Hamilton, completely routed the besieging forces, and pursuing them for five miles, took one hundred and fifty horse, with their arms, tents, and ammunition, several stand of colours, and a number of officers, and killed above two hundred, amongst whom was the archbishop of Tuam, the rebel president of Connaught, and one of the supreme council of Kilkenny, who accompanied the army to visit his diocess, and exact the arrears of his bishopric. In his carriage were found a number of important papers. Among them were some which disclosed the double game Charles was playing in Ireland—for he never could trust to one plot at a time—and which the

parliament allude to in their communication. He had reaped no advantage from the English troops which the cessation enabled him to bring from Ireland, but the ephemeral success of Montrose had induced him to expect that the assistance of the same banditti in England would have a similar effect; and as the papists had never opposed his despotic pretensions, he had always indulged a greater kindness for them than for any other description of his subjects. He therefore instructed Ormond, lord lieutenant of Ireland, to negotiate a treaty of peace, but their terms were so extravagant, that the king could not, without forfeiting the affections of all his protestant subjects, openly consent to them, and although the marquis was instructed to make the most liberal promises, the rebels would not consent to any treaty upon mere verbal assurances. To Ormond he could not grant powers to conclude a bargain upon such terms as the Irish would consent to accept, nor, perhaps, would Ormond have acted in a business which was evidently to betray the whole protestant interest, for an object incompatible with the welfare of Britain or the safety of Ireland. His only remaining resource was, to employ another agent in another secret negotiation, in such a manner as that he could disavow the transaction, if circumstances should render that necessary. Lord Herbert, the marquis of Worcester's eldest son, a Roman catholic, and connected with many Irish families, was created earl of Glamorgan, and employed in this extraordinary business. He was empowered to conclude a treaty or a pacification with the rebels with all possible secrecy, without consulting the lord lieutenant, on a basis of the tenor of which it might be improper to inform him, and upon terms which it might not be fit for the king publicly to own.

While the more open negotiation was going forward, Glamorgan concluded a private treaty with the council of the confederated Irish catholics, by which they were to enjoy the full and free exercise of their religion, to be eligible to all offices of trust and advancement, to be exempted from the jurisdiction of the protestant clergy, and their priests to retain all the churches held by them since the 23d of October, 1641. In return, they were to furnish his majesty with ten thousand troops, to help him to subdue his rebellious subjects in Eng-

land, and the Roman catholic clergy were to grant him two-thirds of the rents and revenues of the church, to be employed for payment of the forces in his majesty's service. When these documents were made public, Glamorgan was arrested upon a charge of high treason, for having concluded a treaty for which he had no powers, and the king, as had been previously concerted, in a message to the two houses, disavowed the whole. He acknowledged, "that the earl having made offers to him to raise forces in the kingdom of Ireland, and to conduct them into England for his majesty's service, he had granted him a commission for that purpose, and for that purpose only, but that he had no commission at all to treat of any thing else, without the privity and directions of the lord lieutenant; and this clearly appeared by the lord lieutenant's proceedings with the said earl, who had orders to call him to an account." All the king's assertions, being so completely in opposition to probability, were received with incredulity, and the gentle treatment Glamorgan met with, and the continued confidence he afterwards enjoyed, fully warrant the belief that his conduct was in entire consonance with the wishes and private instructions of the king. The discovery of the secret treaty defeated its object, and England was spared the repetition of scenes such as had desolated and disgraced Ireland and Scotland, although the king incurred the guilt of the project, without reaping any of the advantages he had anticipated.

So many proofs of disingenuity totally alienated the English parliament from having any personal treaty with the king. All they would now consent to, was the sending him propositions to which they meant to require his positive answer. The Scottish commissioners were for adhering to the former proposals, which had been agreed to as the basis of the treaty of Uxbridge; the English were for imposing harder conditions; Charles, ruined as he was, and unfit to throw any weight but the name of royalty into the scale, instead of accommodating himself to his situation, by yielding to circumstances, submitting himself entirely to the generosity of the parliament, without regard to parties, and showing a fearless confidence in their honourable feelings towards his fallen greatness; or making a choice, and decidedly closing with one or other of the

great parties who were dividing the state, continued his complicated intrigues, and surrounded himself by toils of his own weaving. His design of “ drawing either the independents or presbyterians to side with him, for extirpating each other, so that he should be really king again,”\* engaged him in two different series of proposals, of which it would be difficult to say whether of them were most opposed to all his previous predilections. The independents would have consented to suffer a moderate episcopacy, but would have strenuously opposed his despotic assumptions and claims, either as lord over the consciences or bodies of men; to these he offered toleration and relief from ecclesiastical supremacy. The presbyterians would have granted more rigid obedience to a covenanted king, and submitted to more unlimited exertions of civil power, but they would have insisted upon the supreme dominion of their church, and the entire abolition of his darling hierarchy; and them he flattered with the hopes of being the sole establishment.

For a considerable time, Charles continued his negotiations, or rather his intercourse with the English parliament, whose immovable resolution to leave him little more than the name of a king, when contrasted with the apparent inclination of the Scottish to less harsh conditions, seems to have suggested to him the chimerical idea of forming a coalition among the parties in the latter country, and of recovering, by their means, the reins of government, without stipulation.

But the estates, which met at St. Andrews, in November, although they did not display a spirit of vindictive cruelty, sufficiently marked their determination to suppress all opposition to the covenant, and to inflict exemplary punishment on those who had supported the extravagant and murderous schemes of Montrose. They classed the delinquents into those who had personally assisted the marquis, as soldiers, at Philiphaugh; those who had furnished men, horse, or ammunition; and those who voluntarily, and without necessity, had had any intercourse with them, and appointed them to be fined in proportion to their crimes. Six only were capitally convicted;

\* King's Letter to Digby.

and of these, lord Hartfield was pardoned, and lord Ogilvy escaped, by the contrivance of his sister. Sir Robert Spotswood, son of the archbishop of St. Andrews, formerly president of the court of session, and then secretary of state, who brought Montrose his commission of captain-general of Scotland,\* Mr. William Murray, brother to lord Tullibardine,

\* Mr. Laing says, “ Their crimes were found in those sanguinary laws against state offences, which are still flexible to the interpretation, and subservient to the interests of the prevailing party—still cruel and inexorable to the unfortunate; but by which the adherents of each may alternately suffer. The execution of Spotswood was peculiarly unjust. He had framed or brought the commission to Montrose, and accepted the office of secretary, which the parliament had formerly conferred upon the Earl of Lanark. He was convicted, therefore, of an obsolete treason, because he impugned the authority of the three estates.” But this was not the case—they were found guilty of being taken in arms against their country, and that they had not surrendered upon quarter. “ Spotswood his report by the housse wes found bimembrous. The punishment of the first wes found, after debait, to be arbitrarey to the parliament, wlich wes his adwyssing, doqueting, signating, carring and deliuering zeas, and persecutting James Grahame’s commissione aganist his native countrey ; the punishment of wlich offence being, after muche debait, put to the woyces of the housse, it wes wotted capitall, and he for the same judged to losse his head. The 2d member of his dittay prouen, wes his being taken in armes aganist the countrey at Philliphaugh; wotted for the same to be forfaulted, his goods and lands to belongeto the publick, and for the 2 forsaids faults, his head to be strukin off his shoulders at the mercat crosse of St. Andrewes ; and the magistrats of the said burgh ordanned to see the same put in executione.”—Balfour’s Memorials, vol. iii. p. 361.

Guthrie has a story respecting the Earl of Tullibardine which may be noticed, as an instance of the credit due to that book. The Bishop says, “ The next thing the Commission went about, concerned the deposition of men’s heads, in order whereunto they sent Mr. William Bennet, Moderator, in Mr. Douglas’ absence, and with him two others, to the Committee of Estates, to press the execution of the prisoners, who at their return made their report to this effect : That having proposed the Commissioners desire, divers of the chief Lords of the Committee slighted the same, and so they were like to have obtained nothing, had not the Earl of Tullibardine very seasonably risen up and spoken to this purpose. ‘ That because he had a brother among these men, it might be that their Lordships so valued his concurrence with them in the good cause that, for respect of him, they were the more loath to resolve upon the question : but, that as for himself, since that young man had joined with that wicked error, he did not esteem him his brother, and therefore declared, that he would take it for no favour, if, upon that account, any indulgence were granted him.’ ” After telling the story, he adds, “ whether or no

colonel Nathaniel Gordon, and Andrew Guthrie, son of the bishop of Moray, were executed. In their instructions to the commissioners at London, they show that they had unfortunately imbibed that spirit, which considered uniformity in religion as the chief object to which all other considerations must be made to bend. "If the king shall grant," say they, "the propositions for religion and church government, you shall apply your most serious endeavours to procure agreement betwixt his majesty and the houses of parliament, in matters civil, wherein there may be a greater latitude, without sin, than in matters of religion, wherein the glory of God is most concerned; and if his majesty shall grant the propositions for religion and church government, and grant such propositions in things civil, as may be a foundation of a just and firm peace, although he do not in every thing come to the length of our desires, expressed in the propositions of both kingdoms, we conceive peace should not be refused." The erroneous views which they entertained on this subject were likewise expressed in statutes, which, had it not been for the counteracting spirit

the Earl of Tullibardine spoke so in the Committee of Estates I leave undetermined, but that Mr. Bennet reported it of him in the Commission of the Kirk, and that those other two who had been with him gave their assent to it, I may confidently aver."—*Guthrie's Memoirs*, p. 205, 6, 7.—Now, so far was the Earl of Tullibardine from joining in any wish for his brother's death, that he did every thing in his power to save him. His brother was condemned upon a Friday, and on Saturday he petitioned for his life, which being refused, he on the Monday again petitioned, but could only obtain a few days respite. This youth's case, from what we know, appears the hardest of the whole, but without the full particulars, it is impossible to judge,—the fact, however, is certain, his brother did strenuously endeavour to save him. "Saterday the 17 Jarij: The Earle of Tullibardin humbley petitions the housse that they wold be pleased to pardone hes brother Willian Murrayes lyffe, in respecte ass he auerred one hes honor, that he wes not compos mentis, as also within age—The housse after debait refusses hes petitione, and ordanes ther sentence to stand.—Monday 19 Jarij: The Earle of Tullibardin againe this day gaue in a humble petitione to the housse for prolonging the executione of that sentence pronounced aganist hes brother Will: Murray.—After much debait in the housse anent this petitione, at last it wes put to the woyce of the housse, the ministers beinng called that had wissited him, and ther declaratione takin, the housse granted a delay till Friday 23 of Jarij: of the executione of ther sentence."—*Balfour's Memorials*, vol. iii. p. 365, 4.

of their religion itself, evinced in other enactments, must have proved highly detrimental, and destructive alike to freedom of inquiry and mental improvement.

At the desire of the general assembly, they prohibited the printing or publishing any books or papers respecting religion, without special license and privilege of the kirk, or their commissioners, under pain of confiscation, not only of the books and papers, but of “the presses, printing materials, and other moveable goods whatsoever, belonging to the said printer, the one half to belong to the kirk, to be made use of for pious purposes: beside, any further personal punishment of the said printer, that the lords of secret council, or the committees of parliament or convention should think fit;” and that not for printing blasphemous or seditious works, but “any books, treatises, histories, sermons, commentaries, *disputes*, or other papers whatsoever, treating of religion, or any point of religion, in doctrine, worship, or discipline, or concerning the kirk, the officers, government, condition, or affairs thereof!” —well might the erastians dread the establishment of an assembly, whose controlling power could produce the enactment of such a statute. But the same parliament enacted, by the same advice, that, considering how prejudicial the want of schools in many congregations had been, a school should be founded, and a schoolmaster appointed in every parish; that the heritors of every congregation should meet among themselves, and provide a commodious house for a school, and modify a stipend to the schoolmaster, not under one hundred merks, nor above two hundred, to be paid yearly, at two terms; a salary at that time which rendered the office of a schoolmaster, as it ought always to be, one of respectability, as it is one of the most vital importance to a state.\*

Their communications with the English parliament partook of the same unhappy bias, and the establishment of religion, by which they meant the universal supremacy of presbyterianism, stood on the threshold, as a bar to their future amicable intercourse. When the English required the delivery of the gar-

\* Acts of the Parliament of Scotland, vol. vi. A. D. 1646. Rushworth, vol. vi. p. 231, 8 Sec.

risons which the Scottish held, they expressed their readiness to comply with their requests, and to maintain the strictest union, provided their earnest desires respecting religion and church government, "which, as it was the principal ground of their engagement in this cause, so would the perfecting it be the chiefest joy and glory of both kingdoms," were gratified, and peace settled with truth. In another letter from the Estates to the two houses, after pressing the same subject, they add, that they are persuaded, "that the piety and wisdom of the honourable houses will never admit toleration of any sects or schisms contrary to our solemn and sacred covenant." The independents, whose leaders influenced the English parliament, wished to get rid of that Scottish influence which they found so troublesome, and which now, by insisting so strenuously on one point, distracted their councils. They opposed in parliament their party's motions for church government, and in the negotiations with the king, slighted their commissioners, either by not consulting them, or by despising their advice when they did. Their communications with the Scottish parliament, too, were rather like matters of form, than that union of councils which had formerly taken place. The arranging of the militia, which was to have been under a committee of both nations, by the former proposals, was now to be under the immediate command of each parliament respectively; an alteration which mortified the Scots extremely, who were eager to maintain the footing they originally held in the direction of the military power of both nations; and they were therefore desirous that the English militia should not be entirely taken away from the king, with whom they would rather have had it intrusted, than left to the sole disposal of the English parliament. As a counterpoise, they cultivated the friendship of the city of London, and for some time retained their influence there; as their magistrates were chiefly, and their ministers almost wholly, presbyterians, and they were, besides, dissatisfied that the power over their own militia should be proposed to be taken away from them.

Meanwhile, the emissaries of all parties appear to have been active, and a thousand varying reports were daily circulated, which the instability of the times, and the protracted negotia-

tions of the king were calculated to originate and keep alive; while he, daily expecting that some event propitious for himself might arise out of the confusion, soothed both parties by promises, while he endeavoured to irritate them against each other. Ashburnham conducted his intrigues with the independents, but he found that promises to them as a party, produced no effect; because, as a religious body, they had no favour to ask separate from the welfare of the public, and the enjoyment of rational freedom, and could not, therefore, separate from the parliament. The negotiation with the presbyterians was managed by the French ambassador, Montreville, and their fears were attempted to be wrought upon, by representing the independents as enemies to that kingly government, which in their covenant they had sworn to support. His principal object, however, was to gain the Scots, and on his application to their commissioners he was at first favourably received; but they would enter into no negotiation which did not, as a primary article, admit the complete abolition of episcopacy: and the king, who was persuaded that a servile priesthood was better adapted for the purposes of despotism than even a military force, rather than give up an order so completely dependant on the crown, would rather have consented to surrender the militia than the hierarchy. Finding himself unable to bend either, Montreville undertook an expedition to Scotland; but in this he was equally unsuccessful. With the Scottish army, however, on his return, he concluded an arrangement, which has never been properly explained, but of which, when Charles was pressed by the advance of the army under Fairfax, and had only the choice of fleeing, or being blockaded in Oxford, he ultimately took advantage.

Alarmed at the idea of being made a prisoner, and hoping to induce the co-operation of the English and Scottish presbyterians for his restoration, or again trusting to some lucky chance in the chapter of accidents, if he could only, for the interim, obtain personal security, the king professed, at last, his willingness to subscribe the presbyterian formula, provided they could convince his conscience of its consonance with Scripture; and the Scots, in return, are represented to have engaged that they would employ their men and forces in the recovery of his

majesty's just rights. This, or something like it, appears to have been the amount of some indefinite arrangement, in which the parties, interpreting the terms each according to their own wishes, expected more than either had engaged to perform. The Scots could not believe that the king would be so "judicially blind," as to refuse accepting the covenant, the only method left for uniting the English presbyterians and the city of London with them; and he, in the first instance, trusting, or pretending to trust, to the averments of the Frenchman, as sanguinely imagined their proposals to infer an unconditional obligation on their part, to espouse his cause during the time his mind was in the process of conversion; but if he ever did seriously believe that they would engage on such vague assurances, they undid him, by explicitly informing him, before he left Oxford, of the impossibility of their violating the covenants, and by their refusing to receive his adherents, or co-operate with Montrose, a project which they knew would have exposed themselves to ruin, without enabling them to serve him.\* That no certain arrangements had been agreed upon, appears evident from his uncertainty, even after he had left Oxford.

When his danger grew imminent, at midnight, on Monday, 27th April, 1646, having ordered that three persons should be let out at the same hour, at each of the other gates of the city, he withdrew, accompanied only by Dr. Hudson, and Mr. John Ashburnham, groom to his bedchamber, and disguised as the servant of the latter, whose portmanteau he carried. Hesitating whether to attempt going north, and joining Montrose, on whom, notwithstanding his reverses, he continued to repose the most delusive confidence, or repair to London, and, amid the factions which at that time rent the capital and the parliament, try to make a more advantageous bargain than he could expect from the Scots.† He proceeded to Henley, Brentford, and Harrow-on-the-Hill, within sight of the metropolis, where he

\* Clarendon, vol. iii. p. 16.

† "Whether the King's ill counsele or destinie led him, he was very failing in this action; for, had he gone stright up to the Parliament, and cast himself upon them as he did upon the Scots, he had, in all probability, ruined them, who were highly devided between the Presbyterian and Independent factions." Hutchinson's Memoirs, p. 264.

remained some time. He here, most probably, learned the decisive measures taken by parliament to secure the peace of the city, and the apprehension of his royal person, and came to the unfortunate resolution of trying the effects of his intrigues in the Scottish army. Thence he turned towards St. Albans; on the road to which, the fugitives were sadly alarmed by a man on horseback riding furiously, and, though delivered from their fears, by perceiving that he was intoxicated, they passed St. Albans out of the common road, and stopped at Harborough, where they expected Montreville with an escort of horse, to lead them to the Scottish camp.

Disappointed by their agent, after wandering about the country, the king and Ashburnham remained for some days in a petty alehouse at Downham, in Norfolk, where Dr. Hudson was despatched to inquire after the Frenchman, and the cause of his failure. While here, he narrowly escaped detection from a barber, who remarked the unevenness of his hair, which had been purposely ill cut, to prevent his being known. On Dr. Hudson's return, he repaired to the French agent, who lay at Southern, whence he went privately to the Scottish camp, where he arrived on May 5th, nine days after he had left Oxford. The king, although he had come unexpectedly, was received with respect, had a guard appointed, and resided at lieutenant-general David Leslie's quarters—who, since the victory at Philiphaugh, was in greater esteem with the army than Leven, whom he had also eclipsed at Marston moor—but he was prevented from intermingling or interfering with the affairs of the country. His arrival was immediately announced to the English commissioners resident in the camp, who informed the parliament, and, by a despatch from the general and committee of estates, to the committee of both kingdoms; expressing their surprise and astonishment at this unlooked for event, and their intention to improve it to the best advantage, for promoting the work of uniformity, settling of religion and righteousness, and attaining peace, according to the league and covenant, by the advice of the parliaments of both kingdoms, or their commissioners, but declaring, that there had been no treaty nor capitulation between his majesty and them, nor any in their names.

To prevent any requisition from the English parliament, or the necessity of encountering an English army, they determined to march northward with his majesty, till some arrangement could be made for securing a peace upon their own terms, and according to their construction of the solemn league and covenant. In order, however, to do this honourably, it was necessary that their engagement with the English parliament should be punctually fulfilled, and Newark reduced before they began their march; they therefore procured the king's order for its surrender, and when his majesty wished they should retain it in their own hands, the general answered, "to remove all jealousies, it must be yielded to the parliament of England." Next day, after the articles were signed, they broke up from the town, and proceeded towards Newcastle, the king, with lieutenant-general Leslie, in the van.

These precautions were not taken in vain. As soon as the two houses received intelligence of the king's being in the Scottish army, they voted, "That the general and commissioners of the Scottish army be desired, that his majesty's person be disposed of, as both houses shall direct; that his majesty be thence disposed of, and sent to Warwick castle; and that Mr. Ashburnham, and the rest of those that came with the king into the Scottish quarters, should be sent for as delinquents by the serjeant at arms, attending the said house, or his deputy." They also ordered, that Holy Island, which lay open to an enemy, should be garrisoned, as a post of great consequence to the northern districts of the kingdom, and a strong body of horse was sent northward, with the evident intention of watching the motions of the covenanters; but they reached Newcastle without interruption, and thence transmitted their apology for not complying with the vote of parliament, and their reason for not stopping on their road, as they had "received advertisement that five thousand horse and dragoons were on their march northwards towards them, no enemy being in those parts, and that two of their messengers were intercepted and searched, they could not halt till the army should come to a more convenient place, being unwilling that the forces of the two kingdoms should engage upon a mistake." Ashburnham not having been declared a delinquent, they said they had no grounds for

arresting him, except his attending the king to their camp: and doing so, would have been declaring that they had no right to receive the king when he came to them, simply attended by a servant, which they contended was as proper for them to do as it would have been for Sir Thomas Fairfax or the English parliament, in similar circumstances;—the disposal of his person was reserved for future discussion.

While these negotiations were going forward, the internal state of Scotland was far from being tranquil. Macdonald continued to harass Argyleshire, burning and destroying what had been left during their former invasions; till despair and hunger forced about twelve hundred of the ill armed starving inhabitants to collect, and emigrate, under Ardinglass, into Monteith, to live upon the lands of the malignants, which had escaped the ravages of the Irish; but a party from Athole, under Inchbrackie, fell upon them at Callandar, and chased them beyond the Forth to near Stirling, where they re-collected, and were joined by the marquis, who carried them into Lennox, and quartered upon the lands of lord Napier, till he obtained an act, to imbody them into a regiment, and station them in different parts of the Highlands, and a grant from Parliament, of a supply to provision the castles. While they lay in Lennox, lord Napier, with the lairds of Macnab and Ballach, assembled a force, and were advancing to expel them; but Maitland, apprized of the design, interposed with his troops, and the royalists being unequal in numbers, retired to Kincardine house, belonging to Montrose, which they fortified, in the hope of being able to hold out till relieved; but Middleton following close upon their march, obtained a battering train from Stirling castle, and, having opened a fire upon the place, the leaders withdrew under cloud of night, and left their followers to Middleton's mercy, who next day took the castle, which he burned, shot twelve of the men, who were deserters, and sent the remainder to Edinburgh castle.

About the same time Montrose, who had found it impossible to induce Huntly to join him, persuaded the earls of Seaforth and Sutherland, with the lord Lovat, the chief of the Grants, the Mackintoshes, Monroes, and a number of the other clans, again to rally round him, and desirous of obtaining now some

fortified place, undertook the siege of Inverness. At the first rumour of this new association, Middleton was ordered north, and the committees of the church and state launched the ecclesiastical and civil thunders against them. The warnings of the ministers were seconded by a proclamation, promising pardon and indemnity to all, except Seaforth, who should return to their duty; and both being read from all the pulpits, the chiefs began to withdraw privately, and those who were expected to join, sent excuses. Instead of an increasing force, the army the marquis had collected was dwindling so rapidly away, that he had resolved upon having recourse to the almost desperate expedient, of using his extensive commission as captain-general, and endeavouring to recruit his ranks by compulsion; but anxious to reduce Inverness, he allowed himself to be surprised by his opponent, and was forced to raise the siege, and retreat with considerable loss. Still he meditated resistance, when he received his majesty's orders to lay down his arms, and Middleton, at the earnest request of Hamilton, now again received into favour, consented to treat with him. An indemnity was granted to himself and followers, which, notwithstanding all the outcry raised against the cruelties of the covenanters, was religiously observed, and the man who had merited the execration of his country, was allowed, although both excommunicated and forefaulted, to remain peaceably, for nearly a month, in his own house at Montrose, and afterward to retire, without molestation, to the continent. Huntly, who had refused to act with Montrose, and who, had he united his force to his, might, perhaps, have raised some serious obstacles to the peace of the north, made a useless attempt upon Aberdeen, during the absence of Middleton, and took it by storm from the garrison that he had left; but upon the general's return from the south, he retreated along the north bank of the Dee, where his vassals, who had plundered that unfortunate city, deserted with their booty, and he himself retired unmolested to Strathbogie, where he received intelligence of the king's having gone to the Scottish camp, and ordered hostilities to cease.

Whatever might have been the private understanding of Charles and Montreville, his public message to the two houses of parliament, exculpates the Scots from any sinister engage-

ment; for he expressly states, “ That being certainly informed that the armies were marching so fast up to Oxford, as made that no fit place for treating, he did resolve to withdraw himself hither, only to secure his own person, and with no intention to continue this war any longer, or to make any division between his two kingdoms.” Unfortunately for his majesty, and before the parliament had returned any answer, they received from Ireland the copy of a letter from him to the lord lieutenant, communicated by his grace to the Scottish general, Monroe, which he had written before he left Oxford, when he was busy intriguing with Montreville, and in which he informed him, “ That having lately received very good security, that we, and all that do and shall adhere to us, shall be safe in our persons, honours, and consciences, in the Scottish army, and that they shall really and effectually join with us, and with such as will come in unto us, and join with them for our preservation, and shall employ their armies and forces to assist as to the procuring of an happy and well grounded peace, for the good of us and our kingdoms, in the recovery of our just right; we have resolved to put ourselves to the hazard of passing into the Scots army, now lying before Newark, and if it shall please God that we come safe thither, we are resolved to use our best endeavour, with their assistance, and with the conjunction of the forces under the marquis of Montrose, and such of our well affected subjects of England as shall rise for us, to procure, if it may be, an honourable and speedy peace with those who have hitherto refused to give ear to any means tending thereunto, of which our resolution, we hold it necessary to give you this advertisement, as well to satisfy you and our council, and loyal subjects with you—to whom we will that you communicate these our letters—that failing in our earnest and sincere endeavours by treaty, to put an end to the miseries of these kingdoms, we esteemed ourself obliged to leave no probable expedient unattempted, to preserve our crown and friends from the usurpation and tyranny of those whose actions declare so manifestly their designs to overturn the laws and happily established government of this kingdom.”\*

\* Laing says this letter “ was intercepted and communicated by Monro to the Irish parliament,” vol. iii. p. 353, and quotes Rushworth. Now Rushworth

Upon this paper being read in parliament, the Scottish commissioners resident in London, the day after, delivered an indignant denial of any knowledge of such a transaction having ever taken place. "Whether," say they, "any such letter was signed by the king at Oxford, or whether it was invented of purpose to support a declining party, we do not know. What may concern the king in it we leave to himself, who, as he hath since the date of that paper, expressed contrary intentions and resolutions, in his messages to both kingdoms, so he can best tell what he wrote at that time, we only speak to the matter of the paper, which cometh from the hand of secretary Nicholas, unto whose informations what credit ought to be given, the houses very well know. It doth consist in our perfect knowledge, and we declare it with as much confidence as ever we did, or can do any thing, that the matter of the paper, so far as concerneth any assurance or capitulation for joining of forces, or for combining against the houses of parliament, or any other private or public agreement whatsoever, between the king upon the one part, and the kingdom of Scotland, their army, or any in their name, and having power from them, upon the other part, is a most damnable untruth." The army also deemed it necessary to vindicate their honour from any aspersion, by publishing a declaration, expressive of their firm resolution to pursue the ends expressed in the solemn league and covenant, and that no earthly temptation of fear or hope should induce them to violate their sacred oath; disclaiming all dealings with the instruments in these unhappy troubles, and with all who would not contribute their best counsels and advice for hastening an end to the protracted miseries of the country, and procuring a sure and well grounded peace; and utterly abjuring all conjunction with the detestable rebellion of James Graham, or his associates, or with any other enemies, or declared traitors in either

tells us it was communicated by Ormond to Monro, and he gives the letter which accompanied it, by whom it was communicated to the Parliamentary Commissioners, who brought it to parliament; which circumstance is noticed in the answer by the Scottish Commissioners, Rush. vol. vi. p. 272. Indeed, one of the purposes of writing that letter was, that it should be shown privately in Ireland, to hasten the peace which Ormond was about concluding.

kingdom, notwithstanding of any insinuations to the contrary, expressed in some letters, as it is said, by his majesty, to the earl of Ormond in Ireland.\*

Notwithstanding all that the Scots had suffered, and all the ill faith, duplicity, and deceit, they had discovered in Charles, they still had a powerful attachment to their king, and, as they considered themselves bound by the covenant to preserve the royal authority, they would willingly have adventured their lives for his sacred person, would he only have consented to sign or acknowledge the obligation of the solemn bond. Their affection for their sovereign was expressed by their preachers, who, in those days, were the organs of the public opinion, as well as in some measure its directors; and their resolution to retain possession of the royal person, at least, not to yield him up on the mere vote of the English two houses, was not unaptly announced to the king, by the passage of Scripture which was read before him soon after the arrival of the army at Newcastle. “And, behold, all the men of Israel came to the king, and said unto the king, Why have our brethren the men of Judah stolen thee away, and have brought the king and his household and all David’s

\* Baillie in his confidential letters to his brother-in-law, where there could be no inducement to use any dissimulation, says, “The truth is, we never had any dealing with him, for coming to our army, and would never enter into terms to make him any promise, farther than that we knew our duty, and would keep our Covenant: and had it not been that he foresaw he was ready to be taken at Oxford, and either to have been execute, which is the opinion of too many here, or to have been clapped up in perpetual prison, he had never come near us.” Letters, vol. ii. p. 212.—The only engagement which was ever produced as authorizing the charge against the Scots of having treated with the king for his restoration by force of arms was, a paper signed by Montreville, in which he says, “I promise in the name of the king and queen, my master and mistress, and by virtue of the powers I have from their majesties, that if the king of Great Britain shall put himself into the Scottish army, he shall be there received as their natural sovereign, and shall be with them in all freedom of his conscience and his honour. And that the Scots shall employ their armies and forces to assist his majesty in the recovery of his just rights.” But there does not exist the smallest proof that he was authorized to make any such promise on the part of the Scots, and he was recalled and disgraced for having used the name of the king and queen regent of France without authority.—Clarend. State Papers, p. 219.—Hist. vol. iii. p. 24.

men with him, over Jordan? And all the men of Judah answered the men of Israel, Because the king is near of kin to us: wherefore then be ye angry for this matter? have we eaten at all of the king's cost? or hath he given us any gift? And the men of Israel answered the men of Judah, and said, We have ten parts in the king, and we have also more right in David than ye: why then did ye despise us, that our advice should not be first had in bringing back our king? And the words of the men of Judah were fiercer than the words of the men of Israel." But Charles mistook their attachment, and the conscientious obedience which the covenanters professed to the office of a king, for their attachment and devotion to his person, and nothing could ever teach him, that while they regarded the one as sacred, and a divine appointment, they could, by any possibility, believe that the other was an accountable agent. The presbyterians avowed and defended, both as a political and religious duty, removing and punishing princes who were unmindful of the obligations imposed upon them by the word of God and the law of the land; and although they admitted the hereditary right of a family to the throne, they contended, that misconduct was as justifiable a ground for setting aside any member of the family, as idiotism or confirmed fatuity.\* But the most excellent among them would have been willing that the question had been allowed to sleep, if the king himself had not constantly incited the people to agitate it by his practical exercise, and speculative defence of despotism. On an occasion of this last kind, one of the most sincere patriots and loyal subjects Scotland ever produced—Mr. Henderson—remarked to him:—" While Archimedes was drawing his figures and circlings in the sand at Syracuse, Marcellus interrupted his demonstrations. Sire, were I worthy to give advice to your majesty, or to the kings and supreme powers on earth, my humble opinion would be, that they should draw the minds, tongues, and pens of the learned to dispute about other matters than the power or prerogative of kings and princes; and in this kind, your majesty hath suffered and lost

\* Rutherford's Lex Rex.

more than will be easily restored to yourself or your posterity for a long time :" but the advice was lost, as were every other, on the self-willed prince.

It was never concealed from the king, that it was useless to expect any assistance or co-operation from the Scots, unless he consented to the abolition of episcopacy. For them alone to attempt his restoration was impossible at any rate ; but to adventure it without some pledge, that all they had been fighting for would not be laid at the foot of the throne if they proved victorious, would have been worse than madness—this pledge was the covenant : if he gave it, the presbyterians in England would have joined with them, the city would have co-operated, and a majority of parliament would have been gained ; but without some satisfaction in the matter of religion, they would incur the guilt of covenant-breakers, the united hatred of both nations, and would be unable to effect any thing but their own disgrace. Charles pleaded his conscience : episcopacy had been established in England since the reformation, and he was bound to uphold it by his coronation oath ; but he professed his willingness to be convinced, and if they could only satisfy his mind upon two points, he declared he should neither be ashamed to acknowledge his error, or alter his resolution. The first was :—that episcopacy was not of divine institution ; and the other, that his coronation oath did not bind him to support and defend the church of England, as it was then established. The presbyterians remarked, that it was rather astonishing that his majesty should feel so many scruples respecting that part of his coronation oath which relates to the church, when, for fifteen years together, he had, without remorse, trampled under foot all that regarded the civil liberties of his subjects, but, although they gave him no credit for his tenderness of conscience, which they believed to be entirely affected, to gain time,\* yet they paid that respect to his pretensions

\* The following passages will shew the opinion entertained by the Scottish presbyterians, and, indeed, the universal opinion, of the king's scruples : " Though he should swear it, no man will believe it, that he sticks upon episcopacy for any conscience ;" now this is the language of one of his friends, who, in the same letter says, " the great love and reverence I ever carried to

which was due to his rank and to their importance, had they been sincere. They appointed Mr. Henderson, his own chaplain, for whom he professed to entertain great respect, to enter into a conference with him, and try to remove his doubts. The controversy continued from May to the end of July, and was managed in writing: the papers are eight in number, five by the king, and three by Mr. Henderson. The king contended for the divine right of diocesan episcopacy; the uninterrupted succession of bishops, rightly ordained from the time of the apostles, upon which the whole validity of the administration of the Christian sacraments depends; the necessity of a judge of controversies, which he asserted was to be found in the writings of the fathers of the primitive church, whose authority alone is imperative in this question; and alleged that no reformation could be lawful, which did not originate with the prince, as was the case in England. Mr. Henderson, though labouring under the pressure of mortal disease, displayed great acuteness in his answers, which were, though firm, respectful. The imperfection of the English reformation, he remarked, had been the complaint of many of the most judicious and godly persons. It was defective in the essentials of worship and government; the supremacy was only transferred from one wrong head to another, while the limbs of the antichristian hierarchy were visible in the body; that episcopacy cannot make out

the king's person, makes me fear much." In a letter to Mr. Henderson, who appears to have entertained a similar opinion, he says, " Your debates upon episcopacy I never took to be conscientious, but politic, and a pretence to gain time. I hear France has, or will loose that scruple, very easily. Will such base hypocrisy be blessed?"—Bailie, vol. 2d, pp. 209, 219. But his own offer afterwards, explains the nature of his conscience: "whereas, I mentioned, that the church government should be left to my conscience, and this is my opinion, I shall be content to restrict it to some few diocesses as, Oxford, Manchester, Bristol, Bath and Wells, and Exeter, leaving all the rest of England fully to the presbyterian government, with the strictest clauses you shall think upon, against papists and independents." Had he been really conscientious about episcopacy, the same principle which would not admit of its abolition at Oxford or Bath, would never have consented to its being put down in London and Windsor. Rush. vol. vi. p. 328. Burnet's Mem. p. 287.

its claim to apostolic appointment, for when the Apostles were living, there was then no difference between a bishop and a presbyter, no inequality in power or degree; but an exact parity in every branch of their character; neither is there mention made in Scripture, of a pastor or bishop superior to other pastors. And he requested his majesty to observe, that arguing from the practices of the primitive church, and the consent of fathers, is fallacious and uncertain; but that the law and testimony of the word of God is the only rule. To disengage his majesty from his coronation oath, as far as relates to the church, he conceives, that when the reason of an oath ceases, the obligation is discharged;—thus, when the parliaments of both kingdoms have agreed upon repealing a law, the king's conscience is not tied up against signing a bill, for then altering any law would be impracticable.

Were it ascertained, that the king's papers were the unaided productions of his majesty, they would be by no means discreditable to his polemical abilities; but the ridiculous praises which have been bestowed upon them, by the blind admirers of whatever flows from a royal pen, have caused them to be depreciated below their real merit. Few readers, I believe, would travel through them from choice, and I question much, whether ever their warmest admirers went over them twice.

Henderson's declining health was much injured by the dismal prospect which the king's obduracy held out for the peace of the church, and the country he loved; he and his colleagues wept in secret, over that wilfulness which was productive of so much misery to the monarch himself, as well as to his subjects. One of them in a consolatory letter tells him, “your sickness has much grieved my heart. It is a part of my prayers to God, to restore your health and continue your service, at so necessary a time; we never had so much need of you as now. The king's madness has confounded us all. We know well the weight lies on your heart; I fear this be the fountain of your disease; yet I am sure, if you would take courage, and digest what cannot be got amended, and if after the shaking off melancholious thoughts, the Lord might be pleased to strengthen you at this time, you would much more promote the honour of God, the welfare of Scotland and England, and the comfort of

many thousands, than you can do by weakening your body and mind, by such thoughts as are improfitable;" but he was hastening to that land where the weary are at rest. Feeling his distemper increase, he returned to Scotland by sea, and arrived at Edinburgh, August 11th, sick and exhausted, yet serene and composed: he expired peacefully on the 19th. He was the most influential man, both in church and state, in his day, and so long as he regulated the proceedings of the presbyterians, they were conducted with prudence and success; while he maintained the principles, he moderated the passions of his party, particularly of Lauderdale, to whose fiery and unholy zeal, are to be attributed the most reprehensible measures of the covenanters. He was learned and pious, possessed a sound judgment, and a noble intrepidity of mind, with a suavity of manners, which enabled him to lead men of the most discordant dispositions, and retain their esteem, without forfeiting his integrity. He had been originally educated for the episcopal church, but after studying the subject, he left it from principle, and chose rather a humble parish, Leuchars, in Fife, than its highest dignities, to which he might have aspired; as a public speaker, he was eloquent, judicious, and popular. " Whenever he preached," says Granger, " it was to crowded audiences; and when he pleaded or argued, he was regarded with mute attention." His friends and opponents vied with each other in expressing the high respect in which he was held; the former, by their unfeigned regret for his loss; the latter, by claiming him as a deathbed convert to their opinions. A forged recantation was published in his name, but immediately detected, by a committee of the general assembly.\*

When Charles went to the Scottish camp, he declared, by that action, the war at an end, from his inability to carry it

\* Laing, who delights in sneering at what he evidently did not understand, and chose rather to write nonsense, than to omit any opportunity of exhibiting his contempt for that religious profession, which was the most distinguishing characteristic of the age, and which he should have studied before he ridiculed, thus concludes his character of that eminent divine: " Moderate when compared with his fanatical brethren, and eloquent above their allotted measures of divine inspiration." Hist. of Scot. vol. iii. p. 360.—*Query*—What were their allotted measures of divine inspiration?

on; and it followed as a matter of course, that the garrisons should be delivered up, and the armies disbanded. But the conditions of peace remained to be settled, and to a monarch who had surrendered at discretion, only because he had no more power to contend, restoration to his throne, upon any terms, was generosity on the part of the conquerors. His majesty, however, did not think so, and though beaten out of the open field, he still entertained an idea, that they ought to treat with him as a king, as a vicegerent of the divinity, who was above all earthly control, their superior, to whose conscience, the whole nation should bow, although providence had decided against him, in his appeal to arms. The English parliament were of a different opinion, and while he was debating the point of conscience with Mr. Henderson, they were arranging with the Scottish commissioners the propositions to which his unreserved assent was to be required.

At this time it seems to have been a very general subject of popular discussion, what treatment the king should receive, and whether the form of monarchy should be retained, or a republic established. The Scots and the presbyterians clung round the throne, particularly the Scots, whose aristocracy and ministry, while they wished to curb the power, were anxious to retain the form of the monarchy, because it formed an essential point of union in the solemn engagements of the two nations, and what secured the alliance with England, of the benefits of which they were fully aware. The independents,\* appear to have speculated about the propriety of abolishing royalty, and making an example of the king, whose obstinacy they deemed remediless, and his policy bloody, false, and hypocritical;† but the parties were so equally balanced at this period, that both were anxious to obtain the sanction of the royal name, and both used the language of terror, to endeavour to sway him

\* The term independents here is used because it is the term generally applied by historians to the party who opposed the high episcopalians and the rigid presbyterians; but the term is improper, for the independents were comparatively few. All the sectaries, and the greater part of the moderate friends of both episcopacy and presbytery, and all who cared little about any sect in religion, but wished only for civil liberty, ranged under this generic.

† Baillie's Letters, vol. ii. p. 219.

to their purpose; but he saw their anxiety, and it confirmed him in his obstinacy, as he believed at any time he could make as good terms as he now had offered, whenever he chose to accept of them. He hated both parties, and he rejected what his friends saw was clearly his interest, in the expectation of some providential change.

A majority of the best men on both sides languished for peace, and although a few of the partisans endeavoured to render the terms such as would prevent accommodation; but the Scottish commissioners came to an agreement with the English, and the marquis of Argyle announced this to the grand committee, in a speech—June 25th—which, considering the state of the times, afforded a fair opening for concord, even upon the most difficult of all the subjects of dispute. “In our way we must beware of some rocks, which are temptations, both upon the right and left hand, so that we must hold the middle path; upon the one hand, we would take heed not to settle lawless liberty in religion, whereby, instead of uniformity, we should set up a thousand heresies and schisms, which is directly contrary to, and destructive to our covenant; upon the other part, we are to look, that we persecute not piety and peaceable men, who cannot, through scruple of conscience, come up in all things to the common rule;” and the commissioners in their consent, show a liberality, which, had it been met by a frank and ready compliance, on the part of his majesty, might have been still farther extended: “Although, which is to us more than all the rest, the ordinances of parliament, unto which the fifth and sixth propositions do relate, do not contain the establishment of such a reformation of religion and uniformity as was expected, and was the chief end of our engagement in this war, yet, as it could not be expected, that a perfect rule should be settled all at once, so as to need neither supplements, additions, nor perhaps alterations, they resolve to make no let, but to give way.” The propositions which were now offered the king were not materially different from those offered at Uxbridge, except in the article of the militia, which was now required to be vested in the parliaments of both countries, respectively, for twenty years. With regard to religion, it was required that his majesty should swear the

solemn league and covenant, and give his consent to an act of parliament, enjoining the taking of it throughout the three kingdoms—that a bill should be passed for the utter abolishing all archbishops, bishops, their chancellors, commissaries, deans, sub-deans, deans and chapters, archdeacons, canons and prebendaries, and all chaunters, chancellors, treasurers, sub-treasurers, sacrists, and all vicars and choristers, old vicars and new vicars, of any cathedral or collegiate church; and all other under offices, out of the church of England, as shall agree with the articles of the late treaty of Edinburgh, November 29th, 1643, and the joint declaration of both kingdoms—that the ordinance for the calling and sitting of the assembly of divines, be confirmed—that reformation of religion, according to the covenant, be settled by act of parliament, in such manner as both houses have agreed, or shall agree, after consultation with the assembly of divines—and that, forasmuch as both kingdoms are obliged, by covenant, to endeavour such an uniformity in religion, as shall be agreed upon by both houses of parliament, in England, and by the church and kingdom of Scotland, after consultation had with the divines of both kingdoms assembled; that this be confirmed, by acts of parliament of both kingdoms, respectively, with several other minor articles.\* These were ordered to be presented to his majesty by the commissioners of parliament of England, and the commissioners of Scotland, and a peremptory answer demanded in ten days; a demand rendered necessary, by the inclination to procrastinate which the king already had displayed, and which he still seemed willing to indulge.

As soon as it was known in Edinburgh that the king had come to the Scottish army, the committee of estates sent the earl of Lanark, who acted with the covenanters, and some others of their number, to express their sentiments of respect for his person, and their expectations, that he would satisfy the just desires of his subjects. Argyle, Balmerino, and Crawford Lindsay, followed,† to prevent the king's tampering with

\* I have given the very words of the propositions, because the king agreed to them in private, although not officially.—Vide Rushworth.

† Guthrie's Mem. p. 220. Burnet's Mem. p. 274.

David Leslie, and to urge his compliance with the wishes of his people. To them the king complained of being treated in a different manner, from what had been stipulated with Montreville, that his subjects were refused free access to him, and that his conscience was hurt, by being pressed on the subject of the covenant; Montreville affirmed he had such an agreement in French, but when called upon to produce it, the ambassador shuffled, and there was no more heard of the business; and Argyle proceeded to London, to act in conjunction with the commissioners there, and try to obtain a mitigation of the articles to be proposed to the king. All were acquainted with the king's practices, and while he thought he was out-maneuvring every other person, he was alone the dupe of his own finesse. Urged on every hand, to close with the presbyterians, who would have mitigated the rigour of the conditions, when the times became more settled, he wasted the most precious of his opportunities in trifling disputations, which his enemies represented were mere subterfuges, to cover his more dangerous intentions, of bringing over a foreign force from France; whence, it was generally believed, he received the instructions for his conduct.

At last, on July the 23d, the commissioners from parliament arrived at Newcastle with the propositions, and were informed that his majesty would receive them next day, in the afternoon. Accordingly, about two o'clock, they went in state to court, accompanied by the marquis of Argyle, and earl of Loudon. They were introduced to the king, who stood at the end of a table in the presence chamber, and had the honour of kissing his hand, after which they withdrew to an inner room, where the earl of Pembroke acquainted his majesty that they had brought propositions from parliament, and were humbly to desire his answer. Before allowing them to be read, the king put the same question that he had put to the commissioners on a former occasion—if they had any power to treat? And being answered in the negative, made the same courteous reply that he did to them, “Then, saving the honour of the business, an honest trumpeter might have done as much.” When they were done reading, the king, who had hearkened attentively, said, “Gentlemen, I hope, you do not expect a very speedy

answer, because the business is of very high concernment." The earl of Pembroke, informed him, they were limited to ten days, beyond which they could not remain in that town; his majesty replied, that he would despatch them in convenient time, and dismissed them. The commissioners during their stay urged the king, by every argument in their power, to agree to the propositions. Lord Leven, at the head of an hundred officers, on their knees besought him to give satisfaction in the point of religion, and subscribe the covenant; and the council and committee of the church and state of Scotland reiterated their requests to the same purpose, entreating his majesty, by his love for his people, by his desire to avoid shedding innocent blood, and by the interest of himself and his family, to comply. The earl of Loudon addressed him, on one of these occasions, with a faithfulness and freedom well suited to the exigency of the case, in the following terms:—"Your majesty was pleased, on Monday last, to call the lords of your council of Scotland, and committee, to acquaint them with the propositions; and told them, before you would deliver your answer, you would make the same known to them. The time assigned to the commissioners' stay is so short, and the consequences of your majesty's answer of so great importance, either for the preservation or ruin of your crown and kingdoms, as we could not be answerable to God, nor to that trust reposed in us, unless we represent to your majesty how necessary it is that you should assent to the propositions, as the condition of your affairs now stand in so great extremity, and that the danger and loss of your refusal will be remediless, and bring on a sudden ruin and destruction. The differences betwixt your majesty and your parliament are grown to such an height, that after many bloody battles, they have your majesty, with all your forts, garrisons, and strongholds, in their hands; your revenue, and the authority to raise all the men and money in the kingdom, are in their possession; and, after so many victories, with such a powerful army at their command, they are now in a capacity to do what they will, both in church and state; while many, through fear, and others through disinclination to your majesty's government, desire neither you nor any of your race longer to reign over them. But the people, al-

though wearied of the war, and of the great burdens that they groan under, are so loath to have monarchical government destroyed, that they dare not attempt to cast it totally off, till they have tried the effect of proposals for peace with your majesty, to satisfy their minds; yet, after so cruel a civil war, and such protracted confusion, they require security from revenge and arbitrary power. They, therefore, resolved upon the propositions which are now tendered to your majesty, as those without which the kingdom and your people cannot be in safety, and without which there can be no firm peace. Your majesty's friends in the houses, and the commissioners from Scotland, after a strong contest, were forced to consent either to allow these terms to be offered, or to be considered as enemies to peace; and had not these conditions been sent, no others would have been proposed. And now, if your majesty—which God forbid—shall refuse to assent to the propositions, you will lose every friend in the houses, lose the city, the country, and all England will join against you as one man. They will bring you to trial, depose you, and set up another government; they will charge us to deliver your majesty to them, to surrender their garrisons, and to remove our armies. Upon your majesty's refusal of the propositions, both kingdoms will be constrained for their mutual safety, to agree and settle religion and peace without you, which, if your majesty refuse our faithful advice, who desire nothing on earth more than the preservation of your majesty's royal throne, you will bring inexpressible grief, occasion your own ruin, and that of your posterity. For if you lose England by your wilfulness, you will not be permitted to come and reign in Scotland."

"Sir, we have had our hands upon our hearts, we have asked counsel and direction from God, and have had our most serious thoughts upon a remedy, but can find no other to save your crown and kingdom than your assenting to the propositions. We must acknowledge they are higher in some things than we approved of, but when we see no other means for curing the distempers of the kingdoms, and closing the breach between your majesty and your parliament, our most humble and safe advice is, that your majesty will be graciously pleased to assent to them, as the only way to establish your throne. You will

thus be again received into your parliament with joy and acclamation; your friends will be strengthened by your royal presence, and your enemies, who fear nothing so much as your acceding to the propositions, be weakened. You will hereafter have a fair opportunity of offering such modifications as you and your parliament shall think proper for your crown and kingdom; the armies will be disbanded, and your people, finding the fruit of a peaceable government, you will gain their hearts and affections, your true strength and glory, and recover all that you have lost in this time of tempest and of trouble. If it please God to incline your royal heart to this advice, of your humble and faithful servants, who, next to the honour and service of God, esteem nothing more precious than the safety of your person and crown, our actions shall make it appear, that we esteem no hazard too great for your majesty's safety, and that we are willing to sacrifice our lives and fortunes, for establishing your throne and just right."

All representations were of no effect, the king laughed at the idea of being brought to trial, his only fear was being shorn of his majesty and power, the grand palladium of which he considered the hierarchy to be—his utmost concessions on this point were, to allow the trial of Presbyterianism for three years, and that not universally. His humours were unfortunately flattered by the intriguers, who solicited him incessantly for honours, places, and promises, and counteracted the advice and entreaties of his best and wisest friends; even the queen and the episcopalian nobles themselves were of opinion, that Charles should have yielded to the necessity of the times, and accepted the offers of the Presbyterians.\* But he would not relinquish the infatuated project of pitting the parties against each other; and, therefore, instead of a frank and full concession in his answer, which was written in a very unconciliating strain, he proposed to come to London upon the public faith of the two houses, and the Scottish commissioners, to enter into a personal negotiation, and assures them, "that as he can never descend unto what is absolutely destructive to that just power, which, by the laws of God and the land, he is born unto, so

\* Baillie, vol. ii. p. 225. Clarendon, vol. iii. n. 27. Rushworth, vol. vi. p. 329

he will cheerfully grant and give his assent unto all such bills at the desire of his two houses, or reasonable demands for Scotland, which shall be really for the good and the peace of his people." This answer, which the commons considered as a refusal of their demands, was received with grief and amazement by all the king's friends. The sectaries, who had dreaded his compliance, and in the presbyterian ascendancy, saw their own ruin, could not restrain their satisfaction on the occasion, and when the thanks of the commons were voted to the commissioners, a number remarked that more thanks were due to the king. "What will become of us," said a presbyterian representative, "since his majesty refuses the propositions;" "nay, what would have become of *us*," replied an independent, "if he had granted them."

In the temper in which the parliament was upon the reception of the king's message, it required some management to prevent their immediately proceeding to vote the throne vacant, and appointing a day for the prince to accede to the terms his father had refused. The Scottish commissioners who apprehended some violent measure, as soon as they heard of the king's refusal, anxious to prevent any irrevocable step from being taken, prepared to anticipate what they knew would be the first demands of the English parliament—the retreat of their army, and the surrender of the towns they held south of the Tweed. They had ready a proposition before the commissioners returned, which they presented at the moment they—the commissioners—gave in their report, declaring their willingness to disband the army, and deliver up the garrisons, upon receiving satisfaction for the arrears that were due. "The same principles of brotherly affection," they observed, "which had at first induced both kingdoms to unite their councils and forces in the same cause, induced them to adopt the most effectual methods which might tend to bring their troubles to a speedy termination and amicable footing, and to prevent any misunderstanding in these matters, to which their common enemies looked forward with joy, as occasions of difference; and now, that the forces of the common enemy were broken and subdued, and a foundation laid, and some good progress made in the reformation of religion, which they trusted the

honourable houses would perfect according to the covenant, with sincerity; they, therefore, to make manifest to the consciences of their brethren, and to the world, how far it ever was from the thoughts and intents of the kingdom of Scotland to make use of their army for any other purpose, and how much they desire the perpetuating of peace and amity between the two kingdoms, declared their willingness to recall and disband their army, and also, to enter into joint measures for the peace and safety of the kingdoms, both in relation to his majesty, and of each kingdom to each other." Their friends in the parliament seconded their proposals, and a majority of the houses being anxious to get rid of the Scottish army, their proposition was immediately taken into consideration by the commons previously to the king's answer, which the presbyterians were in hopes he might be still induced to alter.\*

There were besides, other strong reasons on each side for settling the arrears of the Scottish army without delay. Previously to the siege of Newark, the complaints against this army had been a source of great uneasiness to the Scottish commissioners, as the irregularity of their pay had forced them to use measures to provide for their subsistence, which rendered them unpopular in the country, and the Scottish parliament, in the beginning of the year, had sent instructions for them to get their accounts settled as soon as possible, and expressed their desire that they should return home the moment a peace was obtained; their remaining therefore, now that war had ceased, could only have tended to increase the popular dissatisfaction, and have given occasion to their enemies to excite stronger unkindly feelings towards them; they were likewise required in Scotland to put an end to the remains of the disturbances in that kingdom, where the Irish lingered in the west, and the north was still far from being in a settled state, while their remaining in England would have been watched by the English army, superior in numbers, and now wholly unemployed, which, in such circumstances, must inevitably have led to collision. The patriots of England wished for their retreat, as their presence was the only pretext for keeping up so large an army in the

\* Acts of the Scottish Parliament, An. 1646-7, vol. vi.

country, and those who had been dissatisfied at the new model, or were envious of the honours of the victorious leaders, and wished their reduction to the humbler walks of ordinary life, together with all who plotted for the king's unlimited restoration, united in desiring that the Scottish army should be sent home.

A vote of the commons for one hundred thousand pounds, to be paid to the Scots army on their advance northward, with another expressive of their thanks for their affection and zeal, in offering so readily to deliver up the garrisons and depart the kingdom; and a third, appointing their accounts of arrears to be audited, were procured in the course of a few days; but the examining and settling the amount of their demand, was a work of greater time and difficulty. The whole sum claimed, was about two millions, of which the Scots acknowledged the receipt of seven hundred thousand; the English account of the monies, quarters, and charges disbursed by them, was fourteen hundred thousand. The difference between the two statements, consisted of provisions to a large amount, which the English charged in full, the greater part of which, the Scottish asserted never came to them, being taken by the enemy at sea, part lost, and part damaged. The English charged, in full, a levy of twenty thousand pounds per month, which the Scots denied ever yielded half the sum: the English charged ammunition and arms furnished; the Scots contended these should have been supplied at the English expense, as they were used in their service: the English charged twenty thousand pounds as compositions with delinquents at Newcastle; the Scots considered this only as a compensation for their having saved the town from plunder: the English charged monies raised out of coals, at the rate of ten shillings per chalder upwards of the hundred thousand pounds; from this, the Scots required forty thousand to be deducted, as the coals, during the greater time they drew the cash, were sold for only five shillings. The English at the same time made a merit of not charging the household stuff, sheep, horse, and other articles, which they alleged had been taken from the people to a large amount. The Scots, in return, affirmed that the greatest part of the damage had been done by many of the English themselves,

pretending to be Scots, and plundering without mercy, for they had taken greater care to suppress any disorder in the army in England, than ever they did while it remained at home; and so strict had they been, that some had been put to death for pilfering, even to the amount of two shillings. Every item in the account was minutely examined, and warmly debated in a manner very different from what would have taken place, had the transaction been a collusive bargain for the purchase of the king. \*

Tired out, at length, by discussions, in which they do not appear to have been equal to their debtors, the Scots offered to accept of a gross sum in full of their arrears, and a committee was named to receive their demand, how much they would require in advance, and by what instalments the remainder should be paid. They claimed five hundred thousand pounds—which was allowing nearly all the deductions of England, and halving the difference—three hundred thousand to be paid on the movement of the army, and the other two hundred thousand at the end of twelve months, but in consideration of the present distress, they would be content with the least proportion that would supply the necessities, and give satisfaction to their army; and, therefore, would agree to accept of two hundred thousand pounds at their advance out of the kingdom, and the other three hundred thousand, at the end of twelve months.

The report of the committee gave rise to a violent debate, which continued a whole day, when the house resolved, that the sum of two hundred thousand pounds should be advanced for the Scottish army, according to the desire of the Scottish commissioners; one hundred thousand pounds to be paid when they commenced their march, the other hundred thousand to be paid by fifty thousand at a time, within nine months; and, to ascertain the periods more accurately, the first payment should be made on the eighteenth of September, and security granted for payment of the rest, in all, not to exceed three hundred thousand pounds. The subject was, however, resumed

\* Had every subsidy England has been called upon to pay since, undergone as severe a scrutiny, what sweeping deductions would have amazed the contractors!

upon a representation from the Scottish commissioners, when they required the sum of four hundred thousand pounds in whole, but earnestly pressed, that two hundred thousand should be paid them in Newcastle, before their retreat into their own kingdom, and the other two hundred thousand at convenient terms. This occasioned another long debate, when the four hundred thousand was allowed, but the periods as formerly; one hundred thousand to be paid in advance, another in three, and nine months, another in twelve, and the last in fifteen months. The Scots, however, insisted upon the two hundred thousand being paid in advance; and after another lengthened discussion, it was agreed that they should have it, if as much could be raised, and, for that purpose, required that a common council should be called in London, and a committee appointed to go thither and treat with and desire the citizens to advance the sum. The common council proposed to advance the sum if required, bearing eight per cent. interest, upon security of the grand excise, and the sale of bishops' lands, the presbyterians in the city, being anxious to have the business brought to a conclusion, expecting that with the dismissal of the Scottish, a motion would have been brought forward for the reduction of the sectarian army.

During the protracted negotiations about the payment of the Scottish forces, the Scots were incessant in their endeavours to induce the king to give satisfaction respecting the covenant. Addresses were presented from the commissioners of the church, the committee of estates, and the army. Hamilton, who having been released from mount St. Michael, when that fortress was taken by the parliamentary forces, had repaired to the king at Newcastle, and was again received into favour, joined in entreating his majesty to yield, but his arguments were as unavailing as the others; and while Argyle, Loudon, and Dunfermline, were intrusted with a secret commission, to try and procure from the parliament a delay in their resolutions respecting his answer, or a personal treaty if possible, he was sent to Scotland to endeavour to persuade the committee of estates to accept the king's concessions, and it is somewhat curious to observe, that the argument he made use of to induce them to violate their own oath and conscience, was, that it would be

inhuman and unchristian to force the king to violate his. With them, his grace was equally unsuccessful as with the king; the message he was desired to carry back to his majesty, along with the earls of Crawford and Cassils, was to press him, ere it was too late, to yield to the propositions. Charles still insisted upon his own conscience and that of the episcopalians being preserved; but, in return, he was willing to give every assistance to destroy and fetter the consciences of the independents. "What I demand," said he, "is most likely to be but temporary, for if it be so clear, as you believe that episcopacy is unlawful, I doubt not, but God will so enlighten my eyes, that I will soon perceive it, and then I promise you to concur with you fully in matters of religion. But I am sure you cannot imagine, that there is any hope of converting or silencing the *independent* party, which undoubtedly will get a toleration in religion from the parliament of England, unless you join with me, and in that way I have set down for the establishing of my crown." Although, however, he would not yield frankly and comply, he, at the same time, protested against being understood as giving them a negative—he insisted on a personal treaty. "He only desired," he said, "to be heard, for he was confident, that upon debate, he would be able to satisfy them in some things." Hamilton urged every topic he could devise, to prevail with the king to satisfy Scotland with regard to religion, assuring him, that he found them extremely willing to serve him in every thing else, if he would only be persuaded to yield to them that one point. "They would study to bring the militia to what he desired, and with regard to the delinquents, they would try to get the proceedings against them concluded in the same way that the business against the incendiaries in Scotland had been managed, that they would be only secluded from places of trust; but he assured him, that he found it impossible to make them abate a tittle in their demand about religion." It was to no purpose, the king continued deaf to all argument, because he thought the parties could not do without him, and Hamilton, whose better judgment foresaw a different result, determined to withdraw from public life, a resolution he was unfortunately afterward induced to alter.

While Charles remained immovable, his affairs were fast

hastening to a crisis. The amount of the arrears being adjusted, and the departure of the Scottish army out of England fixed, the disposal of his person came next to be considered. It was a question for which there was no precedent, there was no authority in the records or disquisitions of civil or international law by which to decide it; it was, therefore, to be determined by the peculiar circumstances of the case, and must now be judged of by the same criteria.

If there be any infamy in the transaction, it belongs to the English—inasmuch as they are more infamous who take advantage of a man's necessities, to constrain him to do a base action, than he who laments it, and yet is forced to comply—they had the power to enforce their demands, the Scots, without absolute ruin, could not come to extremities; the English knew this, and they had not the generosity to supply the wants of their allies, till they constrained them to submit to the enormous and unjustifiable deductions on their account; they knew that the Scots had not the means of retaining the king, without destruction to themselves, and calculating upon this, they assumed the right, because they had the power, of claiming the disposal of the king's person. Whitelock, the inveterate enemy of the Scots, obliquely acknowledges as much, when he tells us, “the houses now saw the advantage of keeping up their army, as that which the more inclined the Scots to come to their offer.” It was the ungenerous principle of superiority in wealth and men, upon which the English acted throughout, which led *them* to make a traffic—if there were any traffic—of the king's person; though, like successful rogues, they have been the first to cast the stigma on their less fortunate associates. The Scots made every effort they were capable of for preserving the king, and when they could keep him no longer, they obtained for him the best conditions they could—a freedom and an honourable treatment, which he most ungratefully made use of to involve them again in war and confusion; and to attain his own selfish purposes, did not hesitate to call for the sacrifice of the best blood of the country. I think it clear as noonday, that in the whole transaction, the Scots behaved with a romantic generosity, to a worthless family, who ill requited their attachment, with a steadiness of principle to their engagements, which the

English parliament did not emulate, and with a fidelity and truth which places them, in this transaction, the only party who could righteously claim the praise of unsullied integrity and unimpeachable honour. But, in fact, there was nothing base in the business, the king had rendered it unsafe to allow him to be at unrestrained liberty—he had forfeited every title to this; and, however couched in respectful terms, the question was, where could he be kept with the greatest security to the state? he was already a prisoner in the Scottish camp, had he gone to Scotland he must have been a prisoner; when he went to England, he was only a prisoner, and the real crimes for which he was brought to the block, were perpetrated after he was *de facto* dethroned, or rather, had dethroned himself.\*

September 18th, the house of commons took into consideration, how his majesty's person should be disposed of, and voted, 1st, That whatsoever consultation and debate the Scots commissioners should have concerning his majesty's person, the same should not any ways impede the march of the Scottish armies out of the kingdom, nor violate or trench upon the treaties between both nations. 2d, That his majesty should be disposed of as both houses of the parliament of England should think fit. And afterward ordered these votes to be communicated to the Scottish commissioners. The Scottish commissioners were indignant at the assumption of the English commons, and immediately met it by their claim of a joint right in disposing of his majesty's person; in consequence, a committee of both houses was appointed to treat with them upon the subject; and in their conferences, they firmly asserted that right. "Both nations," they remarked, "were bound, in honour and conscience, by the solemn league and covenant, as the strongest bond under heaven, between God and man, and between nation and nation. Its obligation was threefold, requiring unity in religion, †

\* There may have been private dealings, both with the officers of the Scottish army, and with individuals of the Scottish nation, which were indefensible; these I do not mean to defend, but the public transactions were honourable, fair, and open. It was the discovery of the king's own treachery that was the cause of his death.

† The following explanation of the reason why the devil is drawn cloven-footed, was given to enforce uniformity:—"Let us hold fast our unity in re-

allegiance to the same king, as to one head, and a conjunction between the two nations in their councils and acts; they, therefore, protested, that in all their discussions, it should not be understood that one of the kingdoms was imposing conditions upon the other, but that they were consulting what was fitted to be done for the peace and security of both; and, as both were engaged in the same cause, were labouring under the same danger, and seeking the same remedies, therefore, they contended, that the disposing of the king's person did not properly belong to any one of the kingdoms, but justly to both; nor did they expect, that the honourable houses would think it agreeable with conscience, honour, or justice, that the person of the king should be disposed of by them, or by any one of the kingdoms alone;—by disposing, they explained that neither deposition or imprisonment was meant—but whether his majesty should be allowed to go to Scotland, or to return to London, or some of his royal residences near it.” “They also frankly disclaimed the intention of conducting him to Scotland, as full of danger and inconvenience to both kingdoms. The bloody barbarous Irish, banded with a wicked crew of malignants, possessed the mountains and highlands, the strongholds, and never conquered parts of the kingdom, where they kept in a body together, and were so near Ireland, that the rebels there, in two or three hours might come over and join them, and were the king to go thither, he might, from the incapacity of Scotland to keep large armies long together, have an opportunity of raising among these banditti, a force which might enable him again to advance into England, and involve the countries in renewed confusion and bloodshed. They therefore urged, that as the king had not absolutely refused the propositions, but proposed himself to come to London or any of his houses, in order to a personal conference, and as the danger in England had ceased, from his having no army in the field, and no stronghold, or garrison, to fly to, that his offer should be accepted, and an effort made

ligion, and beware of toleration of all religions, which is the ready way to have none; for there is nothing more divine in God than unity, and nothing more diabolical in the devil than division; who, therefore, is known to the vulgar, by his cloven-foot, to be the spirit of division.”

to procure a safe, lasting, and honourable peace, according to the covenant."

To this reasoning the English committee made no answer, except reiterating the demands of the parliament, and insisting, that the king being within England, and the parliament having complete control over every person in England, they alone had a right over him; and that, although he was with the Scottish army, yet that army being paid by England, was, while in England, to be considered as much the English army, as the one under the command of Sir Thomas Fairfax. The others replied, that neither the king's present residence in England, nor any localities, could take away the reality of their former relations, far less dissolve the engagements and stipulations between the kingdoms; for though the Scottish army was paid by the parliament of England, yet they were the army of Scotland, raised in pursuance of the ends of the covenant, and to be ordered by the parliaments or committees of both kingdoms: that therefore, they could not, in conscience, duty, nor honour, deliver the person of the king without his own consent, to be disposed of as the two houses should think fit; for this reason, they had proposed that his majesty should be allowed to come to, or near London, as the most probable means of procuring a well grounded peace; but if the houses would not agree to that, then they desired that commissioners might once more be sent from both kingdoms to the king, to show the meaning of the propositions, and to hear the king's doubts and desires, who might farther intimate, that if his majesty should not give a satisfactory answer to the propositions, then both kingdoms would, without making any further application to him, take such course as they should think fittest for the peace and security of the kingdom;—but, in conclusion, they desired, that whatever had been moved by them concerning the king, might be rightly constructed, and as not implying any wavering from their first principles. "For," they add, "when the king was in the height of his power we did not, and hope, never shall flatter him, and when the enemy was in the height of their pride and strength, Scotland did fear no colours; and now, when the king is at his lowest ebb, and hath cast himself into our army for safety, we hope to be par-

doned, if, from our sense of honour and duty, we be very tender of the person and posterity of the king, to whom we have so many relations, and that we shall not be the worse thought of because we cannot so far forget our allegiance, as not to have an antipathy against any change of monarchical government." When the conferences were finished, the speeches of the Scottish commissioners were printed; but the day before their intended publication, they were seized by order of the parliament, and the printer imprisoned. They were, however, soon after reprinted in Edinburgh, and called forth a long and not very temperate reply from the commons;—in which they attempted a new distinction between the right of the Scots to the king, as king of Scotland, when in Scotland, and their right to him as king of Scotland, when in England; and also between the disposal of the person of the king in England, as an exercise of interest, which not being expressly provided for in the covenant, they contended was not to be considered as included under any of the general stipulations. The concurrence of the lords in this explanation having been voted unnecessary, when the paper was sent to the Scottish commissioners, they returned it without any reply, as being the answer of only one branch of the legislature.

The king, when informed of the settlement of the arrears, and the discussion respecting the disposal of his person, buoyed up with hopes from Hamilton, who seems, however, to have dealt very plainly with his majesty, expressed his determination in a letter to him, to remain with the Scottish army and come to Scotland, where he expected to be able, even yet, to raise a party, and rekindle the flames of intestine war, and used every argument which could touch the pride, latent affection, or loyalty of the duke, to induce him to embark in the hopeless enterprise of aiding him to remount the throne without restrictions, or of involving his unhappy distracted country in new ruinous unprincipled hostilities. His entreaties changed Hamilton's intentions of going abroad to avoid being witness of his fall, which he feared, and saw he could not prevent, into a resolution of "being the most miserable man in his dominions," and of devoting himself entirely to his service; yet, when he did so, and when such compliance ought to have moved the obdurate heart

of the king, he entreated him in vain to think of yielding in time. “I dare, and I do engage,” said this disinterested nobleman, “for a cheerful willingness and perfect fidelity in your majesty’s service, and trust that God, in his mercy, will so direct your majesty, as by timeously granting the now necessary and most pressing demands of your kingdoms, the great evils will be prevented that threaten your sacred self, the queen’s majesty, and your royal posterity.” His majesty remained inflexible, and granted nothing, till his granting was of no consequence.

When Hamilton could make nothing of the king, instead of giving up the remediless monarch, he, together with his brother Lanark, endeavoured, by his intrigues, to engage the estates to support the falling fortune of Charles, and after much trouble and debate, they succeeded in surprising a committee of the whole into a resolution to send instructions to their commissioners in London, to insist upon his majesty’s being allowed to come to London with safety, honour, and freedom, to contend for monarchical government in England in his person, and his hereditary right to the crown. But the commissioners of the general assembly thwarted at the time this pernicious policy: they perceived that such a measure would involve the Scottish nation in a charge of the foulest treachery, and in a war of the most doubtful issue; and they published “a solemn and seasonable warning to all estates and degrees of persons throughout the land, admonishing them to beware of incurring the guilt of a broken covenant, and inculcating upon them a soul-abhorrence of every thought of a breach with England, and of the danger of his majesty’s coming among them without subscribing the covenant, or satisfying the lawful desires of his loyal subjects of both nations; for so long as he did neither approve nor sign the league and covenant, it was impossible not to apprehend, but that, according to his former principles, he would walk in opposition to them himself, and study to draw his people into their violation; dissolve the union so happily begun between them and their brethren; weaken all mutual confidence, and create division among themselves. Neither was it possible to receive him, in the present posture of affairs, without confirming the suspicions of the English nation of their underhand dealings with him before he came to

the army, and make them, not without cause, imagine that they purposed to dispose of him without their consent, and to their prejudice; which were to expose the nation to the hazard of a bloody war, involve them in the guilt of perjury, and prove of the greatest disservice to his majesty and his posterity, by prejudicing their interest in the crown and kingdom of England; they, therefore, expressed their most earnest and longing desire, that as those who were in trust with the public affairs of the kingdom, had heretofore, in all their addresses, dealt with his majesty with much strength of reason and vehemency of affection, so they would still deal with him to grant his royal consent to the desires of both the kingdoms, for settling religion according to the covenant, and for securing a perfect and durable peace."

On this warning being read in the Scottish parliament, a new debate arose respecting his majesty, when the former motion was reversed, and it was resolved to appoint commissioners from each estate to wait upon the king, and once more to desire his acceptance of the propositions, and to intimate to him in case of refusal, that means would be taken to secure the kingdom without him; also, that the kingdom of Scotland could not lawfully engage themselves for his majesty, nor admit him into the kingdom, unless he gave a satisfactory answer, and took the covenant. Along with the information of these resolutions, an importunate letter was sent from the earl of Lanark, imploring the king, although he might despise considerations of personal danger, yet to pity his hopeful children and posterity, to pity his subjects, and to pity all those who had suffered for him, and who would be exposed to certain ruin; all possible means, he told him, had been used in a parliamentary way, to avert the extreme resolutions that were then taken, but all to no purpose, for on any motion which seemed to infer the least latitude respecting the covenant, all their best friends forsook them; "and therefore," he adds, "as in the presence of God I must discharge myself to your majesty, and show you the resolutions now taken here in relation to the restraining of your majesty's person, and governing the kingdom without you, will be infallibly put in execution, if your majesty does not satisfy in the covenant and religion, in the full, as is demanded, neither will

it be in the power of any in this kingdom to prevent affronts and danger to your majesty's person, if you have any thoughts of coming hither."

Despairing now of being able to effect any revolution in his own favour for the present in Scotland, and having found the army unwilling to act in opposition to the estates, Charles renewed his application for a personal conference with the English parliament, praying them to consider it was their king that requested to be heard, which request, if refused by a king to a subject, he would be called a tyrant, and desired permission to proceed to London to reside with freedom in one of his palaces in the neighbourhood. The lords voted that he might come to Newmarket; but the commons would not agree; and resolved that Holmby House, in Northamptonshire, was the most proper place for his residence, if he would consent to abide there, with such attendants as the two houses should appoint; and in a conference with the lords, agreed, "that his coming hither should be with respect to the safety and preservation of his majesty's person, and in preservation and defence of the true religion, according to the covenant."

About this time, Whitelock says, a mutual understanding first took place for the delivering of the king; but yet the Scots were exceedingly unwilling to consent to this extreme measure, for in the beginning of the year, when the commissioners brought the resolutions of the estates to Newcastle, when they presented the first, and urged a compliance, they told him with what eagerness men were waiting for it, and that it would be received with more joy than had ever been seen at any coronation in England. Before he returned an answer, he desired to know whether he was a free man or a prisoner, adding, if he were a prisoner, it was the opinion of many divines, that promises made by a prisoner were not binding, though he did not assert that to be his own opinion; and next, whether he might go to Scotland, with honour, freedom and safety, or not? On these two captious questions, three hours were spent, and at last the commissioners were forced to give the king in writing, and unmitigated, their unpleasant message. The king's answer imported, that he was not to be threatened or terrified into any action in opposition to his inclination; and with this answer they returned back to Edinburgh.

When debated in the parliament, a few of Hamilton's friends alone resisted the universal sense of the house, which was to deliver up the king's person to the English. "Was this," they exclaimed, "the effect of all their protestations of duty and affection to their sovereign, the descendant of so many kings, to deliver him into the hands of his enemies? Was this their keeping of the covenant, wherein they had sworn to defend his majesty's person and authority? Was this a suitable return for his majesty's goodness, both in consenting to all the desires of that kingdom, in the year sixteen hundred and forty-one, and his late intrusting his person to their care?" To this the covenanters replied:—"That in delivering up the king to their brethren, they committed him in charge to fellow subjects who were equally interested in his welfare with themselves—that they had demonstrated their loyalty and affection, by using every endeavour in their power, to induce his majesty to comply with the universal wishes of his people, the only condition on which a monarch could reign with happiness or glory.—That, that covenant they had preserved unbroken, and would his majesty allow its obligation on the kingdoms who had sworn to observe it, there was not a man in Scotland but would rise in his behalf, nor would the sectaries in England, even now, dare to oppose his return to the throne.—His goodness in granting what they knew he meant to recall, they could not help recollecting, was an insidious bribe to obtain their aid against the liberty and religion of their brethren, and his present confidence was evidently only a choice of evils,—whether he preferred being taken in Oxford, capitulating to Sir Thomas Fairfax, or surrendering to lord Leven, and that he preferred the last, was only because he hoped to kindle a new war."\* The question was then put, whether should they leave his majesty in England to the two houses there, or not? When it was carried, the duke gave a deep and solemn negative; and Lanark vehemently obtested, "As God shall have mercy upon my soul at the great day, I would choose rather to have my head struck off at the mercat cross of Edinburgh, than give my consent to this vote."†

\* Acts of the Scottish Parliament, vol. vi.

† Burnet's Mem. p. 310. Rushworth, vol. vi. p. 389, et seq. Stevenson's Hist. vol. iii. p. 1160. Guthrie, p. 192.

In vindication of their resolution, the estates issued a declaration, narrating, "that when the king came to the quarters of the Scottish army, before Newark, he professed that he came there with the full and absolute intention to give all just satisfaction to the joint desires of both kingdoms, and with no thought either to continue this unnatural war any longer, or to make division betwixt the kingdoms; and in confidence of the reality of his intentions and resolutions, which he declared did proceed from no other ground than the deep sense of the bleeding condition of his kingdoms, and on these terms alone did the committees of the kingdom of Scotland, and the general officers of the Scottish army, declare to himself and to the kingdom of England, that they received him, and represented to him that the only way of his own happiness and peace of his own kingdoms under God, was to make good his professions, so solemnly renewed to both kingdoms, and the prejudice and inconvenience that would arise from delay; but that, notwithstanding, these promises remained unfulfilled; and as their army was now about to leave England, and the king had expressed in his answers to the propositions submitted to him, his desire to be near his two houses of parliament, and the two houses had appointed Holmby House for his reception, the estates of the parliament of the kingdom of Scotland concurred in his majesty's going to Holmby House, or some other of his houses in or about London, there to remain until he give satisfaction to both kingdoms in the propositions of peace; but in the interim, that there be no harm, prejudice, injury, nor violence, done to his person;—that there be no change of government, other than hath been these three years past, and that his posterity be in no way prejudiced in their lawful succession to the crown and government of these kingdoms."

Along with a copy of their declaration, they transmitted to the English parliament, "The desires of the kingdom of Scotland," which prove their anxiety to preserve their loyalty and the person of the king.—They were: "That a committee of both the kingdoms be appointed to attend his majesty, and press him further for granting the propositions of peace—and in case of his refusal, to advise and determine what is further necessary for continuing and strengthening the union between

the kingdoms, according to the covenant and treaties;—and that no peace nor agreement be made by either kingdom with the king, without the other, according to the late treaty betwixt the kingdoms.—Next: That such of the Scottish nation as have place or charge about the king, may attend and exercise the same, and that none shall be debarred from having access to attend his majesty from the parliaments of either kingdom, respectively, or from the committee of either.”

To these desires the parliament of England assented, and promised to appoint a committee to join with that of Scotland, for procuring the king’s assent to the propositions of peace, as soon as the Scottish army should have left England, and the king be arrived at Holmby House. This they were now anxious to hasten, money for payment of the arrears having been forwarded to Newcastle—thirty-six cart-load of cash, in the month of December. The commissioners who were to receive his majesty, followed in the latter end of January, next year; they were courteously received, and had the honour of kissing his majesty’s hand, who cheerfully set out with them, escorted by nine hundred horse, for his new residence. The Scottish army, on the 30th, evacuated Newcastle, and proceeded on the route to their own country.\*

I have been more full in detailing this transaction, because it has been generally represented, as if deceit or disgrace had attached to the Scottish name on account of it. I can perceive none. I believe the English, instead of cheating them out of the half of their arrears, would have cheated them out of the whole, if they had not had the person of the king; but it seems to me equally clear, that the Scots would have delivered up the royal person, whether there had been money in the case or not; for it was neither their inclination nor interest, nor would it have been consistent with sound policy, to have carried him to Scotland.

All parties in England had joined to get quit of the Scottish army; but the presbyterians, who had the most influence with them, urged both the delivering up of the king and their de-

\* Acts of the parliament of Scotland, vol. vi. p. 239-40. Col. of Declarations, &c. Advoc. Library.

parture, as the most probable means of accomplishing the dearest object of their concern, the establishment of church uniformity. At this period the nearest approach had been made to the establishment of the presbyterian discipline through the whole of Britain; the Confession of Faith had been brought to a conclusion, and ratified by the English parliament; one doctrinal belief, and one form of public worship was acknowledged, and presbyteries actually constituted in London, and in Lancashire; while the fairest hopes were entertained that the whole country would follow the good example, if the party, who were a majority in parliament, could only regain the power of the sword, which the self-denying ordinance and the victory of Naseby had transferred into the hands of the independents. Could they have rested content with a general uniformity in the profession of faith, the mode of worship, and the spiritual jurisdiction, which is palpably the only scriptural jurisdiction conferred on a christian church; and had they allowed to dissenters simply the liberty of worshipping of God, according to their conscience, so long as they continued peaceable subjects, the presbyterians had within their grasp the establishment of a uniformity, under a friendly and protecting government, as strict as it will ever perhaps be in their power, in the ordinary course of human affairs, to attain, and beyond which it would be pernicious and tyrannical to enforce it.

But the English leaders, Hollis and Stapleton, wished to regain that political influence, of which the splendid talents of the younger Vane, and the military fame of Cromwell, had deprived them; and the surest method of obtaining this was to reduce the army, which was composed of men who had been led to victory by independents, and whose military and religious exercises were directed by the same officers. These men had been accustomed, and even encouraged to discuss freely their different opinions on religious matters, and the lay preachers, said to have been numerous among them, looked forward with apprehension to the prevalence of a party, who would unsparingly have put an end to their unlicensed ministrations. Their superiors encouraged this, and the general feeling throughout the army, now known by the

more appropriate designation of “sectaries,” was that of universal toleration, as far as consistent with a protestant government, and rational liberty; they viewed the period of their being disbanded, as the termination of that freedom for which they had been fighting, and which, they were determined should be secured to them before they laid down their arms. Intimations of their dismissal without attaining their object, gave rise to murmurs; and the presbyterians found themselves as much mistaken, in reckoning upon the omnipotence of parliament, when opposed to a military force, as the king had done in estimating the divine efficacy of royalty, when opposed to popular discontent.\*

Motions to send the greater part of the regiments to Ireland, under new leaders, and to dismiss the rest, were carried, soon after the Scots left England; but the sectaries, who had feared a combination between the presbyterians and the Scottish army, which might have overmatched them, as soon as they were relieved from any apprehension on this score, more openly showed their dissatisfaction. The civil officers of the country, clerks, commissaries, and others of that description, had all been regularly paid, and numbers of them had acquired fortunes, while the soldiers were in arrears for about a twelvemonth, and liable to be called to account for any irregularities they had been led to commit to supply their necessities. It was but fair that they who had borne the brunt of the day, should taste something of the reward of their labours; and a petition was presented, requiring payment of their arrears, indemnity for their conduct during the

\* It is dangerous to introduce discussion into armies, but it is impossible to exclude it from among the soldiers of a free state, especially in times of civil dissension: and the greater part of the sectarian army consisted of men who had voluntarily enlisted. Oliver Cromwell's regiment, which, from the fame of their commander, and their own exploits, attracted uncommon attention, is thus described by Whitelock:—“ He had a brave regiment of horse of his countrymen, most of them freeholders and freeholders' sons, and who, in matter of conscience, engaged in this quarrel.” But this regiment was not singular; and when such men, the strength and the hope of the country, engage in a cause, it is not to be expected that they should act as mere machines, regardless of the object for which they are shedding their blood, or of the government which their arms contribute to settle.

war, and exemption from being forced to serve in Ireland, unless these demands were satisfied. The commons, by a hasty vote, characterized the petition as mutinous ; and the soldiers, irritated at being treated so harshly, complained openly, that while petitions against them were received and encouraged, they were denied the common privilege of subjects, of representing their own particular wrongs, although neither intermeddling with church nor state.

Parliament, to appease them, and to carry into execution their determination about sending a force to Ireland, employed commissioners to treat with the army ; who, on their part, appointed deputies to treat for them. Their complaints were reiterated ; but they expressed their willingness to proceed to Ireland, under the command of their present officers, Fairfax and Cromwell, not otherwise. The commons were unprepared for the contest, and when it came to the point, when they should either have determined to go forward, at all events, or die at their posts, they yielded to negotiate ; and in answer to a haughty vindication of their petitions, appointed Cromwell, Ireton, and Fleetwood, to proceed to the army, and endeavour to reconcile them to the orders of the house. On the arrival of these chiefs at headquarters, the soldiers insisted upon a committee being appointed from each regiment, who should report their grievances to the council of general officers. Adjutators, or agitators, as they were afterwards called, were, in consequence, appointed from every troop ; and an organized military deliberative body was formed. Meanwhile, the parliament, anxious for their reduction, voted that the arrears should be speedily audited, and security given for what remained due upon disbanding ; that none who had voluntarily served, should be pressed for Ireland : and that widows, maimed soldiers, and orphans, should be provided for ; but resolved, that the regiments should be disbanded at different stations, and the money paid them at the places of rendezvous. The soldiers, suspecting that if they separated, they would never be paid their arrears, nor be individually safe from prosecution, refused to be disbanded apart ; and the independents, too shrewd to be easily deceived, explicitly accused the pres-

byterians of a design in reducing the present army, merely to get rid of those who opposed their usurpations, and to make room for another, more subservient to their schemes. The parties were in direct opposition; and the king might, by heartily and quickly joining with either, have given such a preponderance, as would have decided the superiority. His fatal policy continued the same, he teased both by faithless manœuvring, nor could the uniformly wretched issue of all his complicated intrigues, prevail upon him to adopt the safest and the best road—plain downright honesty.

Afraid that he would join with the parliament, where the cavaliers and presbyterians were for the time in unnatural alliance, the army resolved, by a bold stroke, to prevent a new and formidable force being raised under the sanction of the royal name. They despatched cornet Joyce, with five hundred men, to secure his majesty's person. The commissioners at Holmby, where he arrived before noon, amazed at his appearance, required to know, in writing, the reasons of his coming, with which he complied, and having set his watch, he departed for the evening, not to disturb his majesty, who had received notice of his arrival, and the purport of his visit; but on being informed of the sudden and suspicious departure of colonel Greaves, he insisted upon being admitted into the king's presence, to deliver his message personally, and learn if his majesty would willingly accompany him. He was, accordingly, introduced into the royal bedchamber, about ten o'clock at night; and at this interview, the king told him that he would willingly go with his party, upon being assured no harm would be done to him, nor any force put upon his conscience. Yet even in this transaction we have another instance of Charles' finesse, “for although the king told cornet Joyce, before the commissioners, he was unwilling to go, yet he said apart, such reasons might be produced that might prevail with him, and then he did protest nothing should stay him, but he would go whether the commissioners would yea or no.”\*

Next morning before setting out, his majesty demanded

\* Impartial narration concerning the army's preservation of the king, Rushworth, vol. vi. p. 515.

by what authority the cornet acted, and was informed, by that of the army ; on being asked to produce his commission, Joyce pointed to the soldiers ; when Charles remarked with a smile, “ It was as fair a commission, and as well written as he had seen in his life—a company of as handsome, proper gentlemen, as he had seen a great while.” At his own desire, the king was carried to Newmarket, nor would he return with the parliamentary commissioners to Holmby, when Fairfax entreated him ; but told the general, he had as much interest in the army as himself.

Secure of the person of the king, and apprized of the parliament’s intention to reduce them by force, the army broke up and marched to St. Alban’s, within twenty miles of London. Their approach threw the parliament and the city into the utmost consternation—the former presented a momentary show of resistance ; but their long continuance in office, and the burdens they had necessarily imposed on the people, had weakened that weakest of all attachments, popular affection, and they found it impossible to maintain it. Cromwell, the favourite chief, while attending his duty in parliament, had been constrained to withdraw and seek refuge in the army, to prevent his being sent to the tower on a vague accusation. The army now demanded that Hollis, Stapleton, Walter, and other heads of the presbyterians, should be suspended from sitting in the house, on charges of having, in an arbitrary and violent manner, infringed the rights and liberties of the nation, and endeavoured, by false information, to create jealousies between the parliament and the army, and to embroil the kingdom in a new and bloody war. Unable to resist, the impeached leaders withdrew, the levies were discontinued, an act of oblivion proposed, and the command of the militia, which had been taken from the independents, was restored. Satisfied with these concessions, the army retired to Reading, where they had not long remained, when tumults, excited by the political presbyterians and high royalists, against their opponents, called for their interference, that coalition having, in their disappointed rage, left the independents no choice but the dominion of a mob, or the protection of an army.\*

\* Ludlow, vol. i. p. 84, et seq.

The citizens were favourable to the presbyterians, and a number of young men and apprentices, relying on their countenance, accompanied by a band of unruly characters, presented a petition to the house of commons, requiring them to alter their vote respecting the militia; the members, who also favoured them as the tools of their ambition, imagining that with the assistance of the city, they might resist the army, privately cherished these disorders, at least on this occasion, offering no opposition. The crowd pressed to the doors in a clamorous, threatening manner; and their violence prevailing, they extorted an order for re-establishing the militia as formerly, but not satisfied with this, the populace forced their way into the house, obliged the speaker to resume the chair he had left, and the house to pass an ordinance for the king's being recalled to London, in a free unshackled manner. Fairfax, when he heard of the tumults in the city, advanced to Hounslow Heath, where he was met by the speakers of both houses, attended by nineteen lords, and a hundred commoners, who, considering the freedom of parliament invaded by the tumultuous crowds who broke in upon their deliberation, and dictated their resolutions, sought refuge with the general. The members who remained elected other speakers, recalled the accused chiefs, voted that the king should come to his parliament with honour, freedom, and safety, and again assumed a threatening aspect, but the advance of the army put an end to their bravadoes. The lines of the city, the militia, and the forts, were surrounded, the seceding members were restored in triumph, and the ascendancy of the military over the civil authority was established.

During these contentions, “the unparalleled wilfulness of the king,” as Baillie phrases it, led him to reject the most moderate proposals which ever victorious subjects offered to a vanquished prince, and he threw away the fairest opportunity which had occurred since the commencement of the war, of regaining his full legitimate share of power, and the only place in the constitution, which, as king of a free people, he ought to have desired, or which he could have held in safety.\*

\* During the progress of civil wars, armies always change for the worse; they first enlist perhaps from principle, then they get attached to the military life or

The army on whom the independents relied for enabling them to establish that toleration to which episcopalians and presbyterians were both opposed, was, as yet, not averse to the king, and when he came among them, stood in a very precarious and critical situation, their pay was greatly in arrears, the Scots, the parliament, and the city were against them; they, therefore, courted his majesty, and treated him with a flattering respect and attention, to which he had been comparatively a stranger; for although, while at Newcastle, and at Holmby, he had been exposed to very few privations, yet he had been closely guarded, and his particular friends prevented from seeing him—these were now admitted to his presence without reserve, his former attendants were permitted to return, his younger children were allowed to be with him, and his chaplains were restored, nor were any objections made to his using the liturgy in his private devotions.

their officers, and generally end in subduing the people they were raised to defend, and destroying that liberty they were embodied to preserve. But England had not at this crisis been accustomed to a standing army; the troops were still armed citizens, capable of returning to the common occupations of life if disbanded, and not yet drilled into that disregard for domestic enjoyment, and the unshowy tranquillity of ordinary occupation which the continued discipline of a regular army inspires. Their propositions were in accordance with this character, and show an anxiety for liberty very different from what would have been found among mercenaries. They proposed that there should be triennial parliaments, to sit one hundred and twenty days certain, unless dissolved or adjourned sooner by their own consent; afterward to be adjournable or dissolvable by the king; and no parliament to sit more than two hundred and forty days from their first meeting: the election of the commons to be equally distributed among the people, in proportion to the respective rates they bear in the charges and burdens of the kingdom, in order to render that house as near as may be an equal representative of the whole—the burgesses for poor and decayed towns to be withdrawn, and a proportional addition of members to be made to the great counties—the freedom of parliament to be fully settled—the power of the militia to be with the parliament for ten years—the great officers of state to be nominated by the first triennial parliament for three years—after which they to nominate for each vacancy three, of whom his majesty to choose one—none who had borne arms against parliament were eligible for five years. All coercive power and jurisdiction to be withdrawn from church courts, of whatever description. All acts and penalties for not using the book of common prayer, for not coming to church, or for meeting elsewhere, to be repealed; and the taking of the covenant not to be enforced upon any. Rush. vol. vii. p. 231. et seq.

The independents, who claimed no religious establishment for themselves, would have consented to a moderate episcopacy, depriving it only of what the best and the wisest episcoparians have confessed it was purer when it wanted—enormous revenues and temporal power; and they had declared against the duration of the present parliament, whose authority the king wished also to see at an end. On these accounts, it appeared highly eligible, that his majesty should accept of their proffers, and the queen, who had heard of their friendly disposition, strongly advised Charles to avail himself of it. Sir John Berkley, who delivered her letter, seconded her advice, and was employed to manage the negotiations with the army. Cromwell, in all his conferences, appeared most zealous for a speedy agreement with the king. Ireton was prepossessed in his favour, and believed that he might have been induced to comply with propositions compatible with the public good, till his own actions undeceived him;\* and the officers, for the time, were in general inclined to accommodation.† Never had the king been offered such moderate terms, and all urged him to agree expeditiously, as there was no dependance to be placed on the disposition of the army, it had already so frequently changed. Previously to their being publicly offered, the conditions were privately submitted to the king, and Sir John Berkley was conjured, as he tendered his master's welfare, to endeavour to procure his consent to the proposals, that they might then be offered to parliament, and all differences accommodated. When Sir John wished to soften some of them, respecting the admission of the king's party to parliament, Ireton reminded him, that there must be a distinction made between the conquerors and the vanquished, and that he himself should be afraid of a parlia-

\* He upon one occasion remarked to Ireton, “ I shall play my game as well as I can;” to which the general replied, “ If your majesty has a game to play, you must give us also the liberty to play ours.” Afterwards, speaking to colonel Hutchinson about the king, Ireton’s expressions were these: “ He gave us words, and we paid him in his own coin, when we found he had no real intention to the people’s good but to prevail, by our factions, to regain by art what he had lost in fight.” Hutchinson’s Mem. p. 277.

† Ludlow, folio ed. p. 77. Hutchinson’s Mem. 4to ed. p. 276. Berkley’s Mem.

ment, where the royalists had a majority, Sir John acquiesced in the justice of the observation, and carried the proposals to his majesty. Charles, when he had perused them, said, if they had any real desire for an accommodation, they should not propose such hard terms to him: Sir John replied, he should rather have suspected that they designed to deceive him, had they demanded less, and that a crown so near lost, was never so easily recovered as this would be, if matters were adjusted on these terms. The king, however, was of a different opinion, he imagined they could not exist without him, and that they would be obliged to come to his terms, he particularly objected to the exclusion of seven persons from pardon, the incapacitating any of his friends from sitting in parliament, and that there was no express stipulations in favour of episcopacy. To the first, it was answered, when he and the army were agreed, it might not be impossible to obtain a remission, or, at all events, when restored, he would have it in his power to render banishment supportable to seven persons; to the others, that it would be an advantage to his party to be excluded from the next parliament, which would have to lay many burdens on the people; that the law was security enough for the church, and that it was a great point gained, to induce men who had fought against it, to be wholly silent in the matter; but the king would hear nothing, and broke off haughtily, exclaiming, “ Well, I shall see them glad, ere long, to accept of more equal terms.” About this time, Ashburnham arrived, and unhappily flattered the king’s native propensity, to believe himself and his royal character safe and inviolable amid all the storms of state. The presbyterians, who were terribly alarmed that he would accept of the favourable conditions of the army, by their assiduous applications, heightened the delusion, and the offers of the city of London, to stand by him through life and death, confirmed it.

When the propositions were formally presented for his acceptance, to the astonishment of every person, he received the deputies of the army very cavalierly, entertained them with sharp and bitter language, and, instead of assenting, told them that no man should suffer for his sake, and that he repented of no action that ever he did, so bitterly as of passing the bill against the earl of Strafford, that he would have the church

established by law as part of their agreement. When reminded that he had consented to the abolition of episcopacy in Scotland, he, with the most unaccountable folly, declared that he hoped God had forgiven him that sin, and frequently repeated, “ You cannot be without me, you will fall to ruin if I do not sustain you.” Berkley perceiving the disgust this strange behaviour occasioned, went up to him, and whispered in his ear ;—“ Sir, your majesty speaks as if you had some secret power and strength, which I do not know of, and since you have concealed it from me, I wish you had concealed it from these men also.” Charles then softened his manner a little, and attempted to explain away his expressions, but it was too late, colonel Rainsborough, the least desirous of an agreement, having remarked these passages, left the conference, and hastening to the army, informed them of the reception their commissioners had met with.

Notwithstanding this repulse, the other officers were still anxious to bring the king to terms. After they had returned to their quarters, they renewed their negotiations, and even, when there was an appearance of London and the parliament submitting, Cromwell and Ireton earnestly entreated the king, that since he would not yield to their proposals, that he would, at least, send a kind letter to the army, disclaiming any connexion with the tumults in the capital, before it was known that the city would give in, which might efface any disagreeable impressions his ungracious refusal had made ; but Charles would never consent to do that gracefully, or in time, which was generally extorted from him at last, and when it could be of no service—even this little civility could not be wrung from him by the joint supplications of his advisers, till four councils had been held, and a day consumed in useless debate. As soon as his reluctant signature was procured Ashburnham and Berkley proceeded to Zion-house with it, but they found commissioners from London had arrived, and the letter was out of date ; the difficulty with which it was obtained, also transpiring, its effects were rather pernicious than beneficial. At the request of the Scottish commissioners, the parliament again attempted a negotiation with the king, on the basis of the treaty proposed at Newcastle ; his majesty, however, by the advice

of some of his friends, refused the proposals, and required a personal treaty. The officers of the army, to whom his answer was shown before it was sent off, seemed satisfied at his refusing to treat with the two houses; and Cromwell and Ireton exerted their endeavours, together with a number of their friends in parliament, in pressing the king's desires with so much earnestness, that they incurred suspicions of having betrayed the public cause, and sold themselves in private to his interest.

While the house of commons evinced a strong reluctance to any compromising measures, the king, who had employed the liberty granted him by the army, for the purpose of renewing his intrigues, was again engaged in a secret negotiation with the duke of Hamilton and his party, in order to induce the Scottish to join with the English presbyterians, for the purpose of replacing him in unlimited authority; and for the precarious chance of being sole umpire in the bloody contest, he was willing to involve the nations again in all the horrors of intestine war. The Scots had been considerably chagrined at the little regard which the English had latterly shown to the covenant, and the little value which they appeared to set upon their services; those among them, who had expected the dissolution of the sectarian army on the reduction of their own, were wofully disappointed, when they saw them so far from being weakened and dismissed by the parliament, become the masters not only of them, but of the king's person; and they began to listen to the suggestions of the Hamilton faction, who had never ceased reprobating their delivering up the king, and to believe, that the prolongation of the civil distractions was owing to the ambition of the wild schismatics, and the influence of anti-monarchical principles, rather than to the unsubdued wilfulness of Charles. They universally disapproved of the seizure of the sovereign by the army, and Lauderdale, in their name, had protested against it; but they were considerably divided in their sentiments, as to the course which they ought to pursue, and in what manner they could now interfere.

Charles, informed of these, as he deemed them favourable symptoms, wrote to the earl of Lanark, requesting that he and his brother should join the Scottish commissioners in England; Lanark, in return, frankly told him, that nothing

could be done in Scotland, unless he would accept the covenant, and advised him to go at first the whole length he intended to go, in acceding to the conditions demanded, or to make his escape in time. But Charles' hopes rising with the appearances of discord between the city and army, and the assurances of the English presbyterians, reiterated his request; and the committee of estates, upon the representations of Lauderdale, after much warm discussion, agreed to send him and the chancellor to assist their other commissioners, in attempting to procure an arrangement between the king and parliament of England, and to comfort and encourage both, in their refusal to comply with the propositions of the army.\* Lauderdale, at the same time, attempted by every means in his power, to infuse into the king's mind suspicions of the designs of the army, they having refused him admittance to the royal presence at Wotten, and ordered him to leave headquarters rather unceremoniously, an affront which his dark malignant soul could never forgive. He represented them as desirous of his ruin, and the destruction of the monarchy, and the affront put upon himself, as an indignity done the nation. The committee participated in his feelings, which were somewhat heightened by the detention of Chiesly, the secretary of their commission, at Newcastle.† And it required the entreaties of the king, that in such a perilous time, his friends should not stand upon punctilio with the English, to induce them to accept along with the Scottish commissioners, a very lame apology, and allow the chancellor and Lanark to proceed.‡

In October, commenced a clandestine treaty with Charles on his removal to Hampton Court, and, as the army now triumphant, were alienated from the king by his obstinacy, and their chiefs by his disingenuousness, they urged him to retire to some place of safety while it was yet in his power, and suggested Berwick, from its proximity to Scotland, and the facilities which it afforded for negotiating with his

\* Burnet's Memoirs, p. 324.

† Baillie's Letters, vol. ii. p. 257. Guthrie's Mem. p. 341.

‡ Burnet's Mem. p. 322.

friends in both kingdoms. On his assurance to do this, they left him for London, where, a few days afterward, they were surprised with the intelligence, that he had departed from Hampton Court, and was conveyed to Carisbrook castle, by the indiscretion of Ashburnham, who brought Hammond, the governor of the Isle of Wight, to the place of his concealment, without having previously obtained a promise from him to respect his majesty's person.\* The marked coldness of the officers was occasioned partly by their discovering the multiplied intrigues of Charles; but the open and decided hostility of Ireton and Cromwell, has been thus accounted for, on the authority of lord Broghill, earl of Orrery. Cromwell riding out with Ireton and Broghill, after the latter had relieved them at Clonmell, observed repeatedly, in a familiar conversation, that they had once a mind to have closed with the king, and had he consulted his own judgment, or had his servants been true, he would have fooled them all. Broghill asking an explanation, Cromwell freely answered, that observing the Scots and the presbyterians likely to agree with the king, they resolved to prevent them, by obtaining reasonable conditions for themselves. While deliberating on the subject, they were informed by one of the spies of the bedchamber, that their doom was fixed that day, and that it was communicated in a letter to the queen, which was sewed up in the skirt of a saddle, to be sent by a messenger ignorant of the charge, to an inn in Holborn, and conveyed to Dover. "On which," added he, "Ireton and I, resolved immediately to take horse from Windsor, and watching at the inn, in the disguise of troopers, we discovered the messenger, took away the saddle to examine it, and on unripping one of the skirts, got possession of the letter. In it, his majesty acquainted the queen, that he was courted by both Scottish, presbyterians, and the army, but he thought he should close with the Scots; upon this, we speeded to Windsor, and finding we were not likely to have any tolerable terms with the king, we resolved to ruin him." The passage of the letter which determined his fate, is said to have been to this

\* Ludlow, p. 85.

effect:—"that she should leave him to manage, who was better informed of all circumstances than she could be, that she might be entirely easy as to whatever concessions he should make them, for that he should know how to deal with the rogues; who, instead of a silken garter, in due time, should be fitted with a hempen cord." \*

At his departure from Hampton Court, Charles had evidently considered himself, as retiring to a place, where he would be his own unconstrained master; as he talks in the letter which he left for the parliament, that he would instantly break through his cloud of retirement, when he could be heard with freedom, honour, and safety; but at the same time, it is equally clear, that he had no intention of breaking up any of his complicated plots. Princes, in the plenitude of power, may engage in various and discordant intrigues, they may promise to different parties what they never intend to fulfil, and what they know it would be impossible for them to perform; while they are successful, they are certain their conduct dare not to be too nicely scrutinized; and flatterers will never be wanting, to form apologies for, or even to praise the breach of their engagements; but it is a dangerous thing for captive monarchs to enter upon double negotiations, the failure of which, must necessarily incur the uncourtly epithets of perfidy or fraud. Charles imagined he could keep fair with all parties; he succeeded only in making dupes of the Scots, whose divided and impoverished aristocracy laid them open to his delusive artifice. Lauderdale and Lanark, were already gained by him, and their united influence, added to the royal confirmation of the gift of annuities, brought over the chancellor, whose pecuniary embarrassments, rendered that species of eloquence peculiarly persuasive. They had strenuously contended for, and would, most probably, have obtained a personal treaty, or, at any rate, they would have lengthened out their negotiations,

\* It is astonishing, that historians who record and authenticate such an anecdote as this, should style Charles a *pious* monarch, and Cromwell a hypocrite, as if hypocrisy could only be allied with religion—alas! there are many hypocrites who never pray, and as despicable as those who do. Orrery's Life. Laing's Scotland, vol. iii. p. 564.

until they had got their friends apprized of their situation with the king ; when Charles, finding himself once more in the toils, was under the necessity of sending such a message to the parliament, as he thought would deceive those in whose power he again felt himself. He offered to consent to the establishment of presbytery for three years ; to limit, even when it was tolerated, the office of bishop to the name and spiritual function ; to resign the militia during his reign ; to pay up the arrears due the army ; allow liberty of conscience ; pass an act of oblivion ; and take away the courts of wards and liveries for a recompense, to be settled by the parliament. Knowing that these proposals, together with his flight, would not a little surprise the Scottish commissioners, and wholly alienate the covenanters, when they were informed of them, he, two days after, sent a very pitiful explanation of his duplicity :—“ As I know,” says he, in a letter to Lanark, “ my coming hither will be variously scanned, so I believe that my message to the two houses will have divers interpretations, for neither of which do I mean to make any apology, for honest actions, at last, will best interpret themselves ; only, I must observe to you, that what I have sent to London, the end of it is to procure a personal treaty ; for which, if I have striven to please all interests, with all possible equality, without wronging my conscience, I hope no reasonable man will blame me : nor am I so unreasonable as to imagine, that this, my message, can totally content my own party ; but for the end of it—a personal treaty—I hope that all the reasonable men on all sides will concur with me, as I expect your Scottish commissioners should do, though I know you must dislike many passages in it. This I thought necessary to write to you, that you might assure your fellow-commissioners, that change of place hath not altered my mind from what it was when you last saw me.”

The commissioners, hurt at the want of confidence the king had shown, and unsatisfied with his majesty’s excuses, expressed their vexation in an answer which they immediately returned. They had hoped, from the message left at Hampton Court, that he had gone to some place where

he might have been safe, and free from his enemies, and where his friends might have had access to him :—“ But,” add, “ as the place to which you are gone, so your majesty’s message hath infinitely disabled us to serve you, for what you offer in matter of religion, comes far short of your former; besides, it grants a full toleration of schism and heresy for ever. And as for your concessions in things civil, more is granted than was expected by some, or wished by others ; and although we know not how effectual your majesty’s message may prove, for a personal treaty, yet, our endeavours shall be really contributed for that end, as we have done in part already.” And they conclude, by obliquely hinting at the irremediable error which he had committed, unless he were willing unreservedly to submit :—“ If this message be rejected—a personal treaty denied—the new propositions pressed by the two houses—and your majesty in no better security than formerly, [we wish] you would advise us in time what to do, and wherein we can be useful to your majesty.” And on the 24th of the same month, they told him, “ It is of no advantage to expostulate about what is past, either the carrying your majesty into that sad place, or the prejudice your service and we suffer by your majesty’s message—for while you study to satisfy all, you satisfy no interest.” His message was not more satisfactory to the parliament, who being informed of, or suspecting his trinketing with the Scots, replied, by presenting him with four propositions—requiring him to surrender the militia for twenty years, and even longer, if necessary—to annul all acts and patents passed under the great seal since it was taken away from London—to recall all proclamations against parliament—and to allow parliament the power of adjourning at pleasure :—upon his agreeing to which, he would be admitted to a personal treaty.

The Scottish commissioners opposed these propositions at every step; but after the bills had passed, the two houses refused to communicate with them on the subject, as being against the rights, privileges, and custom of the parliament of England, to communicate to foreigners what waited the royal assent, till that assent were obtained; but desired,

that the commissioners might prepare what propositions they thought fit for the kingdom of Scotland, and they should be sent along with them. The Scottish commissioners replied, that there were several things that concerned the proper rights, laws, and liberties of the kingdom of England, in which they had no desire to interfere; but, that there were other matters, which, in their own nature, as being common to both by covenant or treaty, wherein, unless they should forget their duty to God, to the king's majesty, to their native kingdom, or to the English nation, their common concernment and interest could not be denied: for as Scotland was invited and entered into the war on the grounds of common interest, so it was but reasonable for them to claim, that in making peace, the same principles should be followed, and the same conjunction of interests pursued. This, they contended, was agreeable to the law of nations and the rule of equity—to the express conditions of the solemn league and covenant, the duty of their allegiance, and the treaties and declarations between the kingdoms. The houses of parliament, they said, had frequently professed that the chief end of their wars was the reformation and establishment of religion, according to the covenant; and they had often promised and declared to the king and to all the world, that no trouble or success should ever make them wrong or diminish the power of the crown; and these were the motives and arguments by which they induced Scotland to engage in the contest: "Let it, therefore, then, be evident now," they continued, "that you are not unmindful of the solemn vows you made to God, in the time of distress, for the reformation of religion—and let it really appear, that the advantages and power which success hath put into your hands, have not lessened your loyalty to the king." But they protested against the bills, as containing nothing respecting uniformity in religion, and as tending to diminish the proper prerogatives of the crown, and as being passed without their concurrence.

While the propositions were in course of debate, the treaty with the Scottish commissioners was still proceeding: though they in vain reiterated their entreaties to Charles to

retire to a place of safety, where he would be removed from the control of the army ; and assured him, if he did not, he would, in a short time, be put under restraint. Still, however, flattering himself with the belief that his double negotiations were not known, he urged *them* to come to the Isle of Wight, where he told them, he hoped to conclude with them such a compact as would satisfy his people of Scotland, and inspirit them to rise in his cause. But the earl of Traquair, arriving, like an evil genius, at this most critical period, conveyed to him the most fallacious ideas of the state of the public mind in Scotland. He assured his majesty that it was only Argyle's party, and a few of the more rigid covenanters, who tyrannized over the kingdom—that the majority of the nation were indignant at the unworthy treatment he received—were impatient of their control, and ready to aid him with all their power to recover his just rights; which being agreeable to his prejudices, precipitated the unhappy monarch to his ruin.

The arrival of the English commissioners brought matters to a crisis ; they were followed by the Scottish, who came under pretext of protesting against the propositions ; but, in fact, to conclude the fatal engagement. When the bills were presented to the king, the Scottish commissioners were not at court ; but next day they gave in their declaration, stating, " that they had left no means unessayed, that with united counsels with the houses of parliament of England, and by making joint applications to his majesty, there might be a composure of all differences ; but that the new propositions and the bills therewith presented to his majesty, were so prejudicial to religion, the crown, and the union and interest of the kingdoms, and so far different from the former proceedings and engagements betwixt the kingdoms, that they could not concur therein : therefore, in the name of the kingdom of Scotland, they dissented from the propositions and bills." The king received their dissent in silence ; but was afterwards closetted with them for four hours. At this interview, the treaty was finally concluded. In the preamble he acknowledged his belief that the professions of those who signed the solemn league and covenant for the preservation of his person

and authority, according to their allegiance, were real, and that they had no intention to diminish his power and greatness; he, therefore, consented to confirm that deed, as soon as he could with freedom, honour, and safety, be present in a free parliament, provided that none who were unwilling should be constrained to take it.—He engaged to confirm by act of parliament, presbyterian church government in England, for three years; during which, the assembly of divines, assisted by twenty whom he should nominate, together with his majesty and the two houses of parliament, would, at the expiration of that term, establish such a form as should be most agreeable to the word of God.—He also engaged that an effectual method should be taken by act of parliament for suppressing schism and heresy, the opinions of the arians, socinians, independents, anabaptists, separatists, and seekers, or any others, destructive to order and government, or to the peace of the church and kingdom.

In their instructions to their commissioners, the estates of parliament had, last year, desired them to attempt procuring the freedom and privilege of trade with England and Ireland—that the natives of all the kingdoms should be declared capable of any incorporation trade, or society, in either—that Scottishmen should be capable of all places, faculties, professions, and benefits, within the two kingdoms, the natives of which, should enjoy equal privileges with them, and that a part of the English fleet should be appointed to guard the Scottish commerce from depredation.\* These the king engaged to see carried into the fullest effect. In return, the Scottish commissioners engaged that an army should be sent out of Scotland into England, for the preservation and establishment of religion, for defence of his majesty's person and authority, and restoring him to his government, to the just rights of the crown, and the full revenues; they further agreed that all such in the kingdoms of England and Ireland, as would join with the kingdom of Scotland, in pursuance of this engagement, should be protected by his majesty in their persons and estates, and that all his subjects in England or

\* Acts of the Scottish Parliament, vol. vi. p. 227.

Ireland, who would join with him, in pursuance of the engagement, might come to the Scottish army and join with them, or else put themselves in other bodies, in England or Wales, for prosecution of the same ends as the king's majesty should judge most convenient, and such commanders and generals of the English nation as his majesty should think fit.\* This engagement, the terms of which, if they had been granted at Newcastle, would have, long ago, reinstated the king in his seat, were acceded to by Charles, in the full conviction that it was impossible they could be ever performed, and that if the Scots, in conjunction with the Irish and the English royalists, should succeed, when he found himself at the head of a victorious army, there would be no power by which they could be enforced. The Scottish commissioners insisted upon them, as they knew nothing short of them would be for a moment listened to in Scotland; but with the tacit understanding that the performance would not be too rigidly exacted. A treaty so foul, and which would have treacherously thrown away all that the nation had so fervently contended for, could never come to good; and it is somewhat surprising, how men of such acuteness as Lauderdale and Loudon, should have ever expected to reconcile the Scottish nation, to what carried in its front the marks of its insincerity in the almost open avowal of a union with the papists of Ireland and the malignants of England; but it is equally surprising that historians should have been found who could extenuate or excuse so nefarious a transaction on the part of the king, by which more than twenty thousand of his subjects were immolated at the shrine of his irrational obstinacy. The treaty when finished, was enclosed in lead and buried in the garden, to be afterward transmitted to the commissioners in London, fears being entertained that they might be searched by the road.

When the engagement was settled, it only remained to amuse the English commissioners till Charles should effect his escape to Ireland, whence he could easily transport him-

\* Clarendon, vol. iii. p. 82. Lord Loudon's Speech. Stevenson's Hist. vol. iii. p. 1218. Rushworth, vol. vii. p. 807, 946.

self to England or Scotland, to head his forces and recommence the war—it only wanted one falsehood more to have effected this; but Charles hoped to avoid that by a manœuvre: instead of a direct refusal, he imagined the parliamentary commissioners would accept of a sealed evasion; they, however, rejected the office, declining to be the bearers of a message with the nature of which they were unacquainted, and the king was reluctantly forced to open his packet. When they read the contents, suspecting the king's intentions, they, upon retiring, gave orders for his majesty to be more strictly watched, which an attempt to carry him off, by one captain Burley, next day, evinced to be no unnecessary precaution.\*

The republican party, as they were afterwards styled, who dreaded that Charles would have accepted the bills, when his rejection of them was announced, gratified as they were, and eager to take advantage of his refusal, would, notwithstanding, have found it difficult to proceed to the extreme measures they did, had his refusal been sincere and unconnected with any other transaction; but the engagement with the Scots transpiring, which, not even his keenest friends in parliament could defend, it was laid hold of for putting an end to all temporizing measures;—Cromwell acknowledged the king's abilities; but pronounced him so false and hollow a dis-

\* After the attempt had been frustrated, the confidential servants of the king were removed, and his guards redoubled. The garrison was re-enforced, and every precaution, to prevent his getting away, was observed with the strictest security. That this was done in consequence of the opposite party being acquainted with his plotting, was plainly enough intimated to him by Hammond; who, when the king sent for him, and asked him the reason "Why he had given orders for dismissing his majesty's servants, and whether it stood with the engagement to them who had so truly cast themselves upon him, and with his honour and honesty?" told him, "That his honour and honesty, were, in the first place, to them that employed him, and next, that he thought he [the king] could not but confess that he had done more, as things stood, for him, than he himself could have expected." The king then asked him, whether the commissioners were privy to the [last] order? he said no; and on the king's demanding, by what authority he did it? answered, "By authority of both houses of parliament; and that he supposed his majesty was not ignorant of the cause of his doing thus."—The king professed the contrary—to which the governor replied, that he plainly saw his majesty was acted by other counsels than stood with the good of the country. Whitelock, p. 288.

sembler as not to be trusted—that while he professed with all solemnity to refer himself wholly to parliament, and depended only upon their wisdom and counsel for the settlement and composing the distractions of the kingdom, he had, at the same time, secret treaties with the Scottish commissioners to embroil the nation in a new war, and destroy the parliament: he therefore moved, in the house of commons, that the affairs of the kingdom should be settled without farther recourse to the king; and, after a debate of a whole day, from morning till late at night, it was resolved, that no more addresses should be made to Charles, or messages received from him, and a declaration, announcing to the public that he had virtually ceased to reign, and detailing the causes which had led to this consummation, was directed to be published.

Internal tranquillity was partially restored to Scotland, during these important transactions in England, by the reduction of the Gordons in the north, and Macdonald in the west. But this was unhappily accompanied by acts of equally sanguinary retaliation upon the Irish, as that which marked the victory of Philiphaugh. When the army returned home, it was immediately reduced to about six thousand men. These chiefly officered by soldiers of fortune, who professed a rigid zeal for the covenant, were sent north, under the command of David Leslie, who successively captured the principal strengths belonging to Huntly, and in accordance with his instructions, spared the lives of the natives; but uniformly did military execution on the Irish auxiliaries. Thence crossing through Badenoch to Kintyre, he surprised the strong passes of the country. Terrified at his approach, Macdonald, placing a garrison at Dunavertie, a castle upon the top of a hill, fled to Isla, where he left his father, Col Kettoch, in the fortress of Duneveg, with two hundred men, and carried the rest of his followers to Ireland; where, some time after, he fell in battle. The house of Dunavertie, although strong, had no water within its walls, but what fell from the clouds, or was supplied from a small streamlet at the foot of the hill, defended by some outworks; these being carried by assault, and a sultry month of July affording no rain, the garrison

was constrained, by thirst, to surrender at discretion, when nearly two hundred were put to death, and the rest were sent to serve in the French wars.\*

From Kintyre, the expedition went to Isla, where Duneveg made a more protracted resistance; but the governor being taken prisoner, when he incautiously ventured without the

\* Sir James Turner, in his MS. Memoirs, when mentioning the massacre at Dunavertie, after acquitting the earl of Argyle of any share of blame in the transaction, makes the following observations:—"Fourthlie, I have several times spoke to the lieutenant general to save these men's lives, and he always assented to it; and I know of himself, he was unwilling to shed their blood. Fifthlie, Mr. John Nevay, who was appointed by the commission of the kirk to wait on him as his chaplaine, never ceased to tempt him to that bloodshed, yea, and threatened him with the curses befell Saull, for sparing the Amalakites; for with them his theologie taught him to compare the Dunavertie men: and I verilie believe that this prevailed most with David Leslye, who looked upon Nevay as the representative of the kirk of Scotland. Lastlie, there is no doubt but the lieutenant general might legalie enough, without the least transgression of either the custom, practice, or law of warre, or his own commission, have used them as he did; for he was bound by no article to them, they having submitted themselves absolutelie to his discretion. It is true, on the other hand, *sunnum jus summa injuria*; and in such cases, mercy is the more christian, the more honourable, and the more ordinare way in our warres in Europe. But I really believe, *advise him to that act who woll*, he hath repented it many times since, and even very soon after the doing it." The saving clause in the last sentence goes, I think, far to exculpate Nevay from the odious imputation of urging Lesly to this cruel act. Salmonet, who apparently confounds forcing the pass of Tarbet with the affair at Dunavertie, suggests an excuse, in the dread Lesly had of a fresh invasion from Ireland. But his instructions seem to have been founded on the treaty between the two kingdoms, formerly noticed; and his ready obedience in other cases, render it rather dubious whether he needed any monitor in this. In his own account of the taking of Lismore, the conditions, he says, were, "That he, the captain, should yield the house, and all that therein wes—that all the Irish should dye, and his own life and Harthill's be spared;" and adds, with great coolness, "so I caused hang twenty-seven Irish." In the same despatch, he says, "Wardhous was reduced without much dispute, wherein were fourteen Irish and a captain, all which I caused to be put to death." And in a letter from Dounebog, June 25th, he gives the following as his opinion of the treatment the islanders should receive: "Because I think hardly this yle, or anie others, can be brought to obedience without totallie ruine of them, I thought it my duetie to desyre your lordship's order by the bearer what you will command me to do therein."—A person who could recommend the total ruin of the isles, as the best mode of effecting their subjugation, cannot be supposed very unwilling to shed blood.

castle, the garrison surrendered, upon condition of having their lives spared—a condition which was granted, the besiegers themselves being in want of provisions. The officers were permitted to disperse upon parole, and the common men were given to Henry Sinclair, a lieutenant colonel in the French service. The other refractory islands submitted without much farther resistance.\*

\* Grand Indictment of the marquis of Argyle, with Defences, 1661. Sir James Turner's Memoirs, MS. Thurlow's State Papers, vol. i. p. 89, 92. Salmonet, p. 254.

THE

# HISTORY OF SCOTLAND.

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## Book X.

RUMOURS of the bad treatment of the king—of his being wantonly hurried from one place of confinement to another—of his being secretly assassinated—of his destruction being determined by the army of sectaries, were industriously spread by those who styled themselves his friends, in Scotland; and they had in some measure answered their purpose, by irritating the passions of the nation against the English parliament, and interesting the popular feelings on the side of fallen royalty.

Hamilton, who had a strong personal attachment to Charles, which the ungrateful conduct of that monarch had not been able to subdue, was now engaged, in consequence of his repeated earnest entreaties, in preparing for war in support of the prerogative, by exciting and keeping alive the returning sentiments of affection towards him, produced by these daily reports. Representing the misfortunes of the king as the crimes of the sectaries, and not the consequences of his own misconduct, he depicted his imprisonment as a reproach on the loyalty of Scottishmen who had deserted him in the hour of distress; but whose honour required that they should wipe away the infamy of so base a charge, by a grand universal attempt for his rescue. The duke himself would have been inclined to moderate measures; but the men with whom he acted were violent, headstrong, and rash, and his own earliest prepossessions were in favour of the most unlimited claims of the king; his judgment told him, and he had repeatedly told Charles, that he was convinced they were wrong,

yet he supported them; and, yielding to the impulse of his friendship, his weakness, which in private life might have been harmless if not amiable, was productive of cruel and accumulated ills to his country. He had spread reports of the king's anxious and sincere desire to conciliate the Scots by any concession; and Traquair, on his return, confidently asserted, that his majesty had given full and entire satisfaction to the commissioners—by such means, the nation, who were dissatisfied with the English independents, were prepared to receive with open arms the agreement of the king to the covenant, and to rise as one man to effect his deliverance.

Suspicions, however, began to be entertained, as all who arrived from the commissioners, while liberal in their general protestations, would not name any of the particular concessions. The ministers first sounded the alarm, and all the pulpits echoed with warnings against healing the wounds of the people deceitfully.\* And when the commissioners came back in February, they found that their suspicions were well grounded. The concessions were unsatisfactory, and the engagements on the part of the chancellor and Lauderdale, so different from what had been expected, that their friends, ashamed and grieved, were loudest in their exclamations against them. The committee of estates, and the commission of the kirk, met in Edinburgh, to receive these communications; and the chancellor, the day after their arrival, repeated to the committee the proceedings of their commissioners:—"He told them, that after their arrival in London, they delivered the message with which they were intrusted to the king, having first acquainted the two houses. He received it courteously, and informed them that he had been carried away by the army from Holmby against his will; but that the army allowed him greater liberty, and made more flattering promises; but that from their behaviour, he did not expect very punctual performance.† They then besought him, with all humility and earnestness, to give just satisfaction to the desires of the par-

\* Baillie, vol. ii. p. 280. Clarendon, vol. iii. p. 70. Rushworth, p. 982.

† He was displeased because neither Cromwell nor Ireton were disposed to kiss his hand! Clarendon.

liaments of both his kingdoms, that religion and peace might be settled, and himself restored to his rights and government. His majesty said, he had sent many messages to his houses for that end, to which he had received no answer; “yet,” said the chancellor, he assured us, “that no contempt put upon him, nor personal suffering, should make him neglect any opportunity which might bring to his languishing kingdoms the blessings of a well grounded peace:” and thus ended the first interview. At their next, his majesty said, he feared they would find that party who were now most prevalent, intended the ruin of religion and monarchy, rather than the establishment of either; they, in return, assured his majesty, that whatever might be the intention of others, the kingdom of Scotland had no design in their covenant-engagements with England, other than the reformation and preservation of religion, the honour and happiness of his majesty and posterity, and the peace and prosperity of the kingdoms, and that they would press the two houses to fulfil these engagements, and to restore his majesty to his just rights; and they did also instantly urge his majesty, that if they should make their applications upon these grounds, he would give them and the kingdom satisfaction; but if they should relinquish their covenant, break their treaties with Scotland, set up a toleration of all religions, cast off the king, and change monarchical government, yet they advised his majesty to offer to satisfy the just desires of the people of Scotland, especially respecting religion, which was the only best foundation of peace, and they were confident that the utmost endeavours and power of Scotland would be applied to restore his majesty to his just rights; “and more particularly,” added he, “we pressed the confirming of the covenant, the establishment of presbyterian government, and that the king would not admit of a toleration of all the abominable heresies and horrid blasphemies now professed in England under the notion of religion; and had long and earnest debates with his majesty upon these heads; yet told him that we could not enter in any way of treaty or capitulation with his majesty by ourselves, without the joint concurrence of the houses, unless they departed from their former principles, and relinquished their conjunction with

Scotland. After our return to London, we received the propositions the same day that the king made his escape from Hampton Court; but upon taking them into consideration, we found in them material alterations, and essential differences from the former propositions, contrary to the ends of the covenant, destructive of religion, the king, and union of the two kingdoms; and in a meeting with their committee at Derby House, desired that they would not give just cause of resentment to Scotland, by slighting their desires and just interests; but no entreaty nor persuasion of ours could prevail so far as to procure a meeting or conference; and when they resolved to present their bills to the king without us, we were forced, on behalf of the kingdom, to enter our dissent; and finding clearly that the desire of the bills was to establish by law the power of the sword perpetually in the hands of that army of sectaries, and to bind the subjects by a law to maintain and pay them, and to adjourn the parliament, to be movable and to go where the army pleased, without settling religion, or restoring the king; and only upon granting of these bills, they would enter on a personal treaty with the king upon the remainder of the propositions:—by which propositions, they desire the establishment of toleration instead of uniformity, and breaking off that conjunction, which, by covenants and treaties, was bound up between the two kingdoms;—we conceived that we had more than reason to try what length the king would come for the preservation and settlement of religion, and for his own and his kingdom's safety.” Here the lord chancellor, through real, or political indisposition, stopped in his narration, probably with the design of preparing his auditors for the communication of the articles, by exasperating their minds at the treatment they had received from the English parliament, and alarming their fears with the prevalence of sectaries and schism. In this he succeeded; but although he had roused their indignation at the insolence of the sectaries, he had not engaged their confidence on behalf of the king. When the conditions were unfolded in another excusatory speech, the committee divided, and the commissioners of the kirk were almost wholly adverse to the proceedings of the lords; each appointed some of their number to consult together, and their meetings were

long, frequent, and discordant: nor were their discords healed by the deputation sent from the English parliament to that of Scotland, which came to reside in Edinburgh during their sitting, and to endeavour their good offices, for maintaining the relations of amity between the two nations.\*

Before the parliament met, the parties of this distracted nation ranged under different leaders. THE COVENANTERS, who adhered to their original principles, and were headed by Argyll, to whom were joined Balmerino, Couper, Cassilis, Eglington, Lothian, Arbuthnot, Torphichen, Ross, Burleigh, and Balcarres. These, supported by a part of the ministers, were attached to monarchy; but, unwilling that Charles should remount his throne without subscribing the covenant himself, and encouraging it in his kingdoms, and would rather have suffered uniformity in religion to have been interrupted by toleration, than civil liberty to be entirely subverted by an unsafe or unrestricted restoration—they were more inclined to bear with the sectaries, than to support the malignants.† THE POLITICAL PRESBYTERIANS, led by Hamilton, to whom were leagued Lanark, Lauderdale, and a majority of the nobility. These professed a greater zeal for the form of church government, and a more intolerant fury against independents; but they would have allowed the king and the episcopalians freedom, in the full exercise of their religion, and were little anxious about securities against the abuse of a power, of which they expected to be the ministers, the moderate party in the church adhered to them—they abhorred the sectaries, and favoured the delinquents. And THE ULTRAS (to use an expression of the day)—the friends of despotism—who cared as little for civil liberty, as they did for religion, who insisted upon the king's being unconditionally restored to the throne, Traquair

\* They consisted of the earls of Nottingham and Stamford, Messrs. Ashurst, Stapleton, Godwin, and Birch; and Mr. Herle, and Mr. Marshall, ministers. They had instructions to settle about the £100,000 arrears due the Scottish army, and it was alleged, brought, besides, other equally cogent arguments to assist their negotiations. Marshall was not allowed to preach by the kirk commission, having preached at Berwick from Ezekiel xxi. 25, 26, 27. applying the passage to the king.

† Baillie, vol. ii. p. 282.

and Calendar were their chiefs. A part of the ministers were found to adhere even to these last, particularly Guthrie, Colville, Ramsay, and Fairfoul.\*

Between the covenanters and the Hamiltonian party, the two grand objects of contest were the same, upon which the king and the English parliament differed—the settlement of the church, and the power of the sword. Much time was spent at the private meetings of the principal leaders of the parties before the estates assembled, in endeavouring to accomplish an accommodation. Considerable difficulty occurred in shaping the first question, whether the king should be restored before he signed the covenant, which was at last evaded by an ambiguous resolution, “that the religion and the covenant be first settled, and the king restored.” The great struggle, however, was on the other, on which, indeed, the whole depended, whether the malignants should be admitted to bear commissions in the army. It was perceived at once, that to allow this, was to suffer the military force to fall entirely into the hands of the king, and to relinquish the power of which they were possessed for a precarious prospect, even in case of success. Meanwhile, the pulpits resounded, and the commission of the church declared the concessions of his majesty unsatisfactory, and the employment of malignants dangerous and sinful.†

At length, on the 2d of March, 1648, the first session of the second triennial parliament was held, and by the management of Hamilton, a majority of the politico-presbyterians was obtained. This superiority was shown in the decisions upon contested elections, which, in the Scottish parliament, were tried by the whole house, and were all carried in favour of the Hamiltonian party, and likewise in the nomination of a secret committee—the committee of danger—intrusted with powers to

\* Hamilton was ridiculously suspected by some of the Ultras of aiming at the crown himself. Montreuil communicated similar suspicions to the French Court, with mischievous effect. In a letter to M. de Brienne, from Edinburgh, 21st March, respecting a project for sending the Prince of Wales to Scotland, which Hamilton opposed, he says, “Le dit Duc me fit voir, qu'il pense bien plus à ses intérêts, qu'il ne fait à ceux de son maître.”

† Thurlow, vol. i. p. 93. Baillie, vol. ii. p. 280, et seq.

watch over the safety of the kingdom, and to manage the public business; from this, almost all the covenanters were excluded, except Argyle, and one or two more, admitted at the particular request of Hamilton, who was anxious to have the sanction of their presence, while he took care to provide that their opposition should be ineffectual.\* The first subject which attracted their attention, was the declaration of the church commission, which they wished to suppress; but the ministers, who had ordered it already to be printed, appointed it to be read in all the churches next Sabbath, on the estates refusing to assure them that they did not intend to go to war with England. War, however, had been determined on, and the most unjustifiable methods were taken to commence it. Berwick and Carlisle were, by treaty, to remain without garrisons, but as they lay extremely convenient for protecting an inroad from Scotland, either by the east or west coast, the Hamiltonian party, who asserted that their march to England would be no invasion of the kingdom, but only an incursion against the sectaries, in favour of the royal person, and the freedom of parliament, obtained a vote, authorizing their surprisal—against which, Argyle, Eglinton, Lothian, and about fifty others, protested; the earl of Loudon, on this occasion, joining his old friends.†

The commission of the kirk, who were equally averse to war, expressed in private their dislike at the measure, and several of the other party endeavoured to persuade them to desist from any public opposition, promising that their desires respecting the non-occupation of Berwick, and the exclusion of malignants from the army, would be granted; but they were too well acquainted with the value of promises in that quarter, to be deceived by them; and to free their own consciences

\* Thurlow's State Papers, vol. i. p. 93. Guthrie's Mem. p. 263. Acts of Scottish Parliament, vol. vi. p. 290, et seq.

† Loudon afterwards professed his repentance for his lapse, and at the joint instigation of his lady, by whom the estates chiefly came into the family, and the ministers, he appeared upon the repenting stool, in his own parish kirk, with many tears confessed his error, and received a public rebuke, in face of the congregation, for his breach of covenant. Stevenson's Ch. Hist. vol. iii. p. 1226. Burnet's Mem. p. 337. Baillie's Letters, vol. ii. p. 286. Acts of the Scottish Par. vol. vi. p. 290, et seq.

from innocent blood, and from the guilt of an unlawful engagement, they presented to parliament a paper, entitled the desires of the commissioners of the kirk, requesting—" That the grounds and causes of the war might be shown to be so clear, that all who were well affected might be satisfied respecting the lawfulness and necessity of the engagement, and that no act of hostility should be undertaken until these were made manifest ; that as the breaches of the covenant by the prevailing party of sectarians were evident, the parliament would, as required by treaty, particularly declare what are those breaches of peace which they take to be ground of war, that reparation thereof might be sought—that there might be nothing assumed as a ground of quarrel that could give offence to the presbyterian party in England, who continued firm to the covenant—that the popish and prelatrical faction should be as little associated with as the sectaries—that his majesty's concessions respecting religion should be declared unsatisfactory, and his adherence to the covenant be had by oath, under his hand and seal—that for securing religion, only such persons may be appointed in the committees as had hitherto given constant proof of their integrity and faithfulness in the cause—and that there should be no engagement without a solemn oath, wherein the church might have the same interest that they had in the solemn league and covenant, the cause being the same.

This vigorous opposition occasioned a delay and an alteration in the plan. Langdale and Musgrave, two English royalist leaders, who had attended Hamilton, and with whom they acted in concert at Edinburgh, had secretly collected their followers upon the borders, now seized upon these two garrisons, as if of their own accord. Upon which, a commission to the committee of danger was immediately issued, to prevent any mischief that might arise to the kingdom, from the garrisoning of Berwick or Carlisle by malignants or sectaries, and, next day, an answer was returned to the kirk, apparently granting all their desires !\* A conference was

\* Acts of the Scottish Par. vol. vi. p. 290. Thurlow's State Pap. vol. i. p. 93. Baillie, vol. ii. p. 286, et seq.

then appointed to be held between a deputation from the commissioners of the kirk and the committee of danger, to agree upon the grounds of an engagement, and to draw up such a state of the question as might unite the nation. When the commissioners met, they found dangers lurking in every line of the parliament's answer, which they conceived, not unjustly, to be worded with studied ambiguity, and in too general terms; \* and having pointedly expressed their dissatisfaction, in a reply which they returned to the parliament, the conference broke off.†

Some of the more furious of the Hamiltonian party, were for resorting to strong measures, and committing the leading ministers to prison; but the duke, who was anxious rather to procure their concurrence in his measures, and knew their influence with the people, endeavoured to raise their jealousy about the sectaries, and their regard for the covenant, by proclaiming the predominance of the one as dangerous, and the breach of the other, as injurious and insulting. He, therefore, proposed a number of resolutions, which, after much debate, were carried in the parliament, enumerating all the

\* The entire and complete insincerity of all the negotiations carried on by the politico-presbyterian party, fully justifies the conduct of the covenanters, in refusing to unite with them. Lanark, in a letter to the king, informs him, that they had sent demands to the English parliament with the design of having them refused. "The first," says he, "is concerning religion, wherein we are very high; and full knowing it will be refused, and we thereby obliged to reason it." In a letter to a friend in London, he tells him, "We have presented to the parliament a large declaration, to be emitted to the kingdom, containing the breaches of covenant and treaties, the demands which upon them we mean to make to the two houses, and our resolutions in case of a refusal: I confess it is clogged with many impertinencies, to which we are necessitated, for satisfying nice consciences; yet it drives at a right end." In another to the king, respecting the declaration, he observes, "We have passed a declaration, which is full of many rude restrictions, both in order to your majesty, and your faithful servants; but we are forced to them for the satisfaction of the nice consciences of the clergy, and their proselytes; whom we find still so inflexible, that nothing can persuade them to a conjunction with us in this work; yet, as we have carried the declaration, and all that is yet done against their strongest endeavours, so we hope, in despight of them, to be instruments in accomplishing the chief end it drives at, which is your majesty's rest and restoration." Burnet's Mem. p. 341, et seq.

† Rushworth, vol. vii. p. 1052.

breaches of covenant of which England had been guilty; “ instead of reformation and defence of religion, they stated, that that reformation, which by the covenant, ought to be endeavoured, was resisted and hindered; instead of extirpation of prelacy, heresy, and schism, these two last especially, although encroaching, and even offering violence to the rights, privileges, and authorities of magistracy, were preserved and tolerated. In the proposals of the army, episcopacy was hinted at; and in the new propositions, an almost unlimited toleration of heresy and schism was endeavoured to be settled, under which, most horrid blasphemies were openly professed. Notwithstanding it was ordained that the solemn league and covenant should be taken by both kingdoms; yet, through the prevalent party of the sectaries and their adherents, it was not only laid aside, but, on the contrary, many persons of eminent and public trusts in the army, and in the country, had never either taken or been urged to take it;—the treaty was violated in sending bills and propositions to the king, not only without the consent of Scotland, but contrary to the express declaration of the Scottish commissioners. Notwithstanding the engagement of the houses, that none having warrant from Scotland should be debarred from access to the king, yet the earl of Lauderdale, a public minister, was, contrary to the law of nations, debarred and publicly removed from Wooburn, where his majesty then was, and not suffered to have access to him, nor when reparation was desired by the estates, was there any given, and that they had laid claim to the sole disposing of the king’s person in England. In consideration of all which, they conceived religion, the king, monarchical government, and the privileges of parliament to be imminently wronged, and in danger to be ruined; and that, if the army of sectaries and their adherents should still prevail, the kingdom of Scotland could not expect security from them, who had been the underminers and destroyers of religion, liberty, and the covenant in England.”

This point gained, the party determined that these resolutions should be followed up by three categorical demands from the two houses at Westminster, of so extravagant a nature, that they knew they would not be listened to; and

which they thought would, if refused, unite the original covenanters with them:—They were, 1st, That an effectual course be taken by the houses for enjoining the covenant to be taken by all the subjects of the crown of England, conform to the treaty and the declaration of both kingdoms, 1643, by which all who would not take the covenant were declared to be public enemies, and to be censured and punished as professed adversaries and malignants; and that reformation of, and uniformity in religion, be settled according to the covenant; that, as the houses of the parliament of England have agreed to the directing of worship, so they would take a real course for practising thereof, by all the subjects of England and Ireland; that the Confession of Faith, transmitted from the assembly of divines at Westminster to the houses, be approven, and the presbyterian government, with a subordination of the lower assemblies to the higher, be fully established in England and Ireland; and that effectual course be taken for suppressing and extirpating of all heresies and schisms, particularly socinianism, brownism, anabaptism, erastianism, and independencie, and for perfecting of what is yet farther to be done for extirpating popery and prelacy, and suppressing the practice of the service book, commonly called the book of English Common Prayer. 2d, That the king might come, with honour, freedom, and safety, to some of his houses in or near London; and 3d, That all the members sequestered from parliament, who had been faithful in the cause, might be permitted to return, and that the army of sectaries under Sir Thomas Fairfax should be disbanded. These demands, which were worded to meet the opinions of the covenanters, and to which it was supposed they could form no objection, were communicated to the ministers.

There was, however, too plain an overacting of the part, to produce other feelings than those of distrust, and the number of ultras, that party which had been the source and support of all the miseries which Scotland had suffered, who flocked to Edinburgh, kept them constantly upon the watch, and when they saw the readiness with which they were received and encouraged, they could not give unlimited credit to the language now adopted by the Hamiltonian faction. Sincere

themselves in their attachment to the cause which the covenant was intended to support, the most discerning among them dreaded less a forbearance with pious sectaries, than an alliance with profligate malignants. Although they could not, therefore, find direct fault with what the first demands contained, they expressed their dissatisfaction at what was omitted;—the taking of the covenant, and the practice of the directory, they remarked, were pressed only upon the subjects, while the king and his household, who were equally bound, stood exempted; nor was there any thing said, about any application being made to the king for obtaining his consent to the act, should the two houses comply.

In spite of all opposition, the estates proceeded in their warlike measures, passed an act for putting the kingdom in a posture of defence, for enrolling all the fencible men; and, under pretence of preserving the peace of the country, against malignants and sectaries, the Hamilton party determined to raise an army to invade England. They, in the meantime, sent off their demands to the English parliament, and required an answer in fifteen days; and published a large declaration to the nation, in which they embodied the substance of their resolutions, with the most bitter and extreme intolerance, expressed in favour of presbyterianism; they hypocritically wailed over the sinful and dangerous violations of the solemn league and covenant, before God, angels, and men, by the prevalent party of the sectaries and their adherents, and the danger in which it was of being entirely destroyed or laid aside; and in the same spirit, asserted, if they should be forced into a war, through the influence and power of the sectaries inducing the two houses to refuse acceding to their just demands, yet, they resolved, that as the engagements of the kingdom had been constantly, hitherto, for settling truth and peace under his majesty's government, so they should still be for obtaining the same ends; and that they would be careful in the management and carrying on of so pious and dutiful a work; that they should not enter into association and conjunction of forces with those who should refuse to swear and subscribe the solemn league and covenant;—so far from joining with either popish, prelatical,

or malignant party, if they should appear in arms to obstruct any of the ends of the covenant, they would endeavour as rigidly to suppress them, as enemies to the cause, as they would sectaries; and they solemnly averred they would give trust in their committees or armies to none but such as were of known integrity, abilities, and faithfulness to this cause and covenant, and against whom there could be no just cause of exception. And having found his majesty's late concessions and offers concerning religion not satisfactory, they declared their resolution before any agreement should be made with him, that his majesty should give assurance by his solemn oath, under his hand and seal, that he should, for himself and his successors, give his royal assent to such acts of parliament as should be prescribed to him by the parliaments of either or both kingdoms, for enjoining the league and covenant, and establishing presbyterian government, Directory of Worship, and Confession of Faith, in all his majesty's dominions.\*

This declaration, which Lanark was endeavouring to excuse to the king as never intended to be put in execution,† was viewed by the commissioners of the church, exactly as it was intended, a mere blind; and they gave into parliament a representation against it, remarkable, not less for its liberality than good sense:—“ They particularly noticed the favour into which malignants, who were the first occasioners of trouble to the kirk, were now received, and reminded them, that if the covenant had been broken by sectaries, it had been broken by malignants both at home and abroad, and that true zeal would strike both ways. As to the covenant being omitted to be pressed on the king by the English parliament, that was also done in the desires sent up to his majesty from the commissioners of the estates of Scotland. And as for the general taking of that bond, it had been done by the representatives, and time might bring the rest to consent, which they might the more reasonably expect, as the ministers in the several

\* Acts of the Scottish Parliament, vol. vi. p. 308.

† Vide his Correspondence in Burnet's Memoirs, and as quoted, p. 306. Note.

counties of England had expressed themselves strongly in its favour. Although lord Lauderdale had been denied access to his majesty by some of the soldiers, the general had disclaimed the act, and his lordship had afterwards been frequently admitted. And whether the English parliament's sending bills to the king for his consent without Scotland's concurrence, was a breach of treaty, was very disputable, considering that Scotland had not only debated, but would have agreed with the king, at Newcastle, without England. As to the demands sent to the English parliament, they could never consider the not assenting to them justifiable grounds of war:—1st, Because while they desire all who had not taken the covenant in England to be declared public enemies, they had not themselves proceeded in that manner with those in Scotland who had not, even up to that day, taken it; they do not approve of its being peremptorily required that the Confession of Faith, sent from the divines at Westminster, be approved, but cautiously; and, in fine, it was their opinion, that uniformity in religion should be endeavoured in fair brotherly ways, and not, as now, by the parliament's declaration, into causes of war. 2d, They desired that there might be no engagement by war to restore his majesty to one of his houses, with honour, freedom, and safety—which was restoring him to the unrestricted exercise of his royal power—until he consent to give security, that the late proceedings in both kingdoms, with regard to religion, shall neither be called in question, nor rescinded: to act otherwise, would be to demand the disposal of his majesty's person in England by Scotland; and this would be considered by all parties in England, as so prejudicial to the national rights, that all would unite against it. 3d, As to the disbanding of the army of sectaries, they do think no persons ought to be intrusted with arms who have not taken the covenant, and, therefore, they would wish all sectaries in England disarmed; yet they conceive it absolutely necessary, that there should be some force to resist the prelatical and malignant party, especially, as some had already appeared in arms, in several places, both in Ireland and in Wales, who have discovered their intentions to be exceedingly malignant; and besides the

countenance and encouragement given by themselves to the English malignants, would operate to retard and hinder that desirable event.\*

What rendered the dissension between church and state, or between the covenanters and the engagers, complete and irreconcilable, was the nomination of the commanders for the levy. Leven had resigned in disgust, pleading the infirmities of old age; and David Leslie, who was appointed major-general of the horse, refused to act, unless the church were satisfied; a hollow show of negotiation had been carried on between Argyle and Hamilton, which induced a belief that some compromise might take place; but when the latter was nominated commander-in-chief, and the earl of Callendar his lieutenant general, there no longer existed any doubt respecting the invasion of England, or the ruin of the expedition. Still Middleton and the troops under him had stood firm; when, however, he also was persuaded to accede to the ultra side,† the commission perceived that they had lost the army, and that there remained to them only the thunder of the church.

The declarations of the parliament were met by the representations of the commission, and while the officers of the state were pressing men into the service, the ministers were preaching against the lawfulness of the engagement.‡ Several synods, burghs, and shires petitioned that the levy might not be put into execution till the church was satisfied; but the faction, which carried all before them, would admit of no delay. They ordered that their enactment should be carried into effect with the utmost rigour, and under the highest penalty, and adjourned from May 11th to June 1st, in order to urge forward the conscription. But the men were extremely backward and unwilling to enlist; throughout all Scotland the levies went on slowly; in the west, the

\* Rushworth, vol. vii. p. 1114, et seq.

† I use the word Ultra,—as the synonyme of malignant—for the supporters of the unlimited restoration of the king, or the friends of despotism: royalist would be misapplied, for all were royalists.

‡ Baillie, vol. ii. p. 295.

people were with difficulty restrained from a general revolt, and recruits were dragged by force to the standard of the engagement. A species of military execution was inflicted upon Glasgow; six regiments of horse and foot were sent to that city, with orders to quarter on the magistrates, council, session, and their friends, which were punctually fulfilled, on some ten, on others twenty or thirty were billeted, who, besides meat and drink, wine and good cheer, exacted their pay, and even more. In ten days they cost a few, and these not the richest of the inhabitants, upwards of fifty thousand pounds Scots, besides plundering.\*

In Clydesdale, the disposition to rise was very general, and had any leading man in that quarter come forward, the majority of the population would have followed. Callendar and Middleton, to prevent any serious opposition, were sent instantly west, and on Monday, June 10th, they rendezvoused, at Stewarton, sixteen hundred horse, and about ten thousand foot. The noblemen and gentlemen of the shire of Ayr, who had had a committee meeting, at Riccarton, on the Saturday, respecting the course they were to pursue, learning that Fife remained tranquil, that Argyle had gone to Inverary, and that a large force had arrived in the neighbourhood, determined to lay aside all thoughts of resistance, and as a number of the Clydesdale men were to communicate at Mauchline, next day, sent notice thither of their determination. The assemblage, however, would not disperse; but after sunrise, on the morning of Monday, they mustered on Mauchlin-moor about twelve hundred horse, eight hundred foot, and eight ministers. While in the act of choosing officers, Middleton made his appearance with the advance, and the ministers, to prevent bloodshed, immediately went up to him.—A capitulation was, in consequence, entered into, by which the whole were allowed quietly to disperse, except such as had been appointed soldiers, and refused to join. When the ministers returned, and informed the crowd of this agreement, the greater part of those who belonged to Kyle and Cunningham went home; but the recruits, joined by the Clydesdale men, stood out. After remaining nearly an hour

\* Baillie, vol. ii. p. 294.

in parley, Middleton ordered his horse to charge, and the greater part fled; but a few took possession of a bridge, and disputed the passage stoutly: nearly forty fell, nor were they dislodged, till Callendar arrived with the main body. Angus, Mearns, even Roxburgh and the south were similarly agitated, although no such sanguinary meetings took place; but the disputes prevented the levies from proceeding with alacrity, and the only opportunity, when a Scottish army, if properly directed, might have entered England with some probability of success, was allowed to pass.

The first rumours of dissatisfaction in Scotland, filled the king's party in England with the most sanguine expectations; and all who were left discontented at the conclusion of the last war, looked forward to the movements there, for enabling them to recover what they had lost in the struggle, or acquire what they had been disappointed in gaining. The presbyterians expected, by the return of their troops, to resume the ascendancy they were forced to resign at their departure, and the parliament hoped to shake off the yoke of the sectarian army. The more forward ultras proceeded to action; but a total want of concert in their insurrectionary attempts rendered them abortive, and enabled the energetic, well directed operations of a small sectarian force to quell them almost before the engagers were prepared to take the field.

For some months, however, they agitated the whole country. In London, the apprentices rose and declared for king Charles, then forced the lord mayor to seek refuge in the Tower, nor were they put down without considerable bloodshed. The Surrey men presented a petition of similar import to parliament, but, unluckily, attacking the guard, were defeated and dispersed also with some loss. A more formidable insurrection in Kent and Sussex, which was headed by Goring, now earl of Norwich, Sir Charles Lucas, and lord Capel, required the presence of the general, Fairfax, himself. In Wales, Langhorn, Powel, and Poyer, who had served the parliament, being ordered to disband, rather than comply accepted commissions from the prince, and raised the royal standard; these were defeated by colonel Horton in the field, and finally subdued by Cromwell, who took Pembroke castle. Glenham and

Langdale kept Cumberland and Westmoreland in restless agitation; they were held in check by major-general Lambert, who prevented them from becoming formidable, and watched the advance of the Scottish forces. While these disturbances demanded the presence of the army, and occupied the attention of its commanders, the English parliament were freed from the influence of that body, and the number of officers who were required to join their regiments—for after the battle of Naseby the self-denying ordinance became a dead letter—restored to the presbyterian interest once more a preponderance. The prosecutions against the secluded members were then dropped, and they were recalled to their seats, the militia was restored to the city of London, the vote for no more addresses rescinded, and negotiations recommenced with the king.

At length the reluctant Scots were forced into the field, and Hamilton, with an ill-equipped, ill-disciplined, dissatisfied host entered England by the west border; their numbers, including about four thousand horse, amounting to nearly fifteen thousand men. They were followed, in a few days after, by two thousand foot, and one thousand horse, who had arrived from Ireland, under the command of Munroe, but were wholly destitute of artillery. Nor did the talents of the officers compensate for the deficiencies of the troops. Hamilton not only wanted capacity for regulating the movements of an army himself, but, likewise, that promptitude of acting according to the suggestions of others, which tended to disqualify him equally for directing, or being directed. Callendar, who had been bred in the Dutch service, had ingrafted their mulish obstinacy on his native pride, and constantly thwarted every proposal that did not originate with himself; Middleton had activity, but was only fitted for irregular warfare; and Bailley, lieutenant general of foot, was one of the continental tacticians, whose military knowledge was ill adapted for meeting the bold and rapid manœuvres, now, by the genius of the English generals, introduced into modern warfare.

A total want of decision characterized this expedition, a natural consequence of the duplicity and hypocrisy upon which it was founded, and of the temporizing politics and

wavering disposition of their chief.\* No party was sincere, and no party trusted the other. The ultras, although those to whom the duke was certainly the most attached, were not admitted to join the army, because they refused the covenant, but they acted in concert with him, while the presbyterians—the natural allies of the engagers in the contest, had the professions of their leaders been without dissimulation—were rather shunned than courted; for a month the troops lay inactive in the north. There they were joined by Langdale's force, consisting of four thousand foot, and about eight hundred mounted, who, to keep up appearances, remained always a day's march in front of the Scots, but they received their orders from the duke, and their conjunction was considered so complete, that all parties in England, presbyterians and sectaries, united in proclaiming the whole force traitors, covenant-breakers, and malignants.†

After garrisoning Carlisle, Hamilton remained in Westmoreland, apparently without an object, till famine obliged him to proceed, and then, instead of advancing through Yorkshire, as Baillie advised, where he would have found a friendly population, he marched into Lancashire, on the representation of Callendar, that it would be better to exhaust a hostile than a friendly country,‡ leaving Munroe, who would not act under Callendar or Baillie, at Kendal, with his troops, the best in the whole army, to wait the arrival of the cannon from Scotland; but with instructions, in case of the main body's being

\* The duke entered England in great state. “ He marched himself in the van of the Scottish army, with his trumpeters before him, all in scarlet cloaks full of silver lace. With the duke did march a life guard of Scottishmen, all very proper, and well clothed with standards and equipage like a prince. In the van of the army marched four regiments of horse, seven colours to a regiment—the foot had ten colours in their regiment.” Rushworth, vol. vii. p. 1193.

† May's Breviary, p. 195. Hutchinson's Mem. 4to. Ed. p. 285.

‡ Burnet's Mem. p. 561. Yet it is strange that Lancashire, one of the counties which had adopted the presbyterian model, should have been adverse, had they considered Hamilton hearty in the cause; but they knew his professed attachment to the covenant was hypocritical, and, therefore, they were imimical. They ranked him among the malignants; and justly, taking even the testimony of his own partial biographer.

attacked, to fall back upon Appleby castle, or Carlisle, and secure himself till further orders.\* Langdale, whose corps formed the advanced guard, was entirely trusted with procuring intelligence, while his own cavalry were spread over the country in search of forage. In this manner, the expedition advanced as three separate divisions, without proper communication with each other, and without a plan.

At Preston, they first learned that Cromwell, who they supposed to be still in Wales, had effected a junction with Lambert, and such was the insubordination or indecision of the officers, that although Langdale, who was attacked by surprise, and maintained a contested action in the neighbourhood of that town upwards of four hours, repeatedly sent pressing messages for support, yet the Scottish army remained immovable at a very short distance, and allowed him to be forced into the town before any of them joined, and then, only a few horse, with the general, came to share in his defeat. Driven by the sectaries from the streets, still the bridge was tenable, and the number of the allies double; but dislodged from this also, they abandoned their ammunition in despair, and commenced a disorderly retreat in the night, pursued hotly by inferior numbers. At Wigan, they only stopped till the English army advanced, and next morning, continued their flight to a pass near Warwick, where they halted, and turning on their pursuers, defended the place for several hours; a furious assault from the whole of the enemy, drove them from their station in disorder to Warrington; there the foot took possession of the bridge, but being deserted by the horse, lieutenant general Baillie, their commander, capitulated to Cromwell, and they delivered up their arms on condition of having their lives spared. The duke, with the remainder, about three thousand horse, retired upon Utoxeter, where, jaded and worn out, they sought refuge from the revenge of the countrymen, who, exasperated at their licentious conduct on the march, destroyed their stragglers wherever they fell in with them; and the county militia, who were attached to the parliament, at the same time assembling, cut off about five hundred prisoners. According to Cromwell's despatch, the

\* Burnet's Mem. p. 358.

numbers engaged in this battle, were—Scottish, about twelve thousand foot, and five thousand horse; English, under Langdale, two thousand five hundred foot, and fifteen hundred horse, in all, twenty and one thousand. Of these, about two thousand were slain, and eight thousand six hundred prisoners. The army that defeated them, were not estimated at more than the killed and prisoners.\*

His Grace was speedily blocked up in Utoxeter, by a body

\* The royalists in England, to whom Hamilton's overthrow was a severe disappointment, vented their chagrin in invectives against Oliver Cromwell's *nose*, which seems at this date to have been a very obnoxious member of the commonwealth. "Nothing," says one of the Ultra journalists of that day, "is heard among the brethren but triumph and joy, singing and mirth, for their happy success—thanks to the devil first, and next to Noll Cromwell's *nose*!—against the Scots, whom they vaunt they have beaten to dust, the truth is, even duke Hamilton himself was corrupted with money. Why else did he deliver five thousand foot and two thousand horse unto the command of major general Baillie, a sworn servant to the kirkmen of Scotland, who surrendered them all up into the hands of Cromwell, without striking one stroke? The Scots army is totally routed, so great are our sins, and so fierce is the wrath of the Almighty against us. Duke Hamilton, being besieged in the town of Utoxeter, was forced to yield himself and the small handful with him; and, as if the devil had got the sole sway of mundane affairs, the most valiant and heroic knight, Sir Marmaduke Langdale, was unluckily surprised, with some other worthy loyalists, as they were sitting in a blind ale-house, where they supposed themselves secure, and carried prisoners to Nottingham castle. Munro, one of the best soldiers in Christendom, is coming on with a powerful army to give Noll Cromwell another field fight; he hath sent orders to the estates of Scotland, imploring them for a recruit both of men and money, which they have ordered him; the renowned earl of Callendar with some troops of horse is escaped to him, with whom he hath united his remnant. If Cromwell can shatter this army also, he will prove himself one of the most fortunate villains that ever acted mischief; but he will find hard play here, for these will not be laugh't out of their loyalty, or frightened out of themselves with the *blazing of his beacon nose*."—Parlt. Porter, August 28th to Sept. 4th, 1648. In the Merc. Pragmat. he is always designated *Ruby Nose*. In the Merc. Elenct. the army was made to march "*by the lighting up of the glow-worm on Noll's nose*." And in relating a conversation he is said to have had with the duke of Gloucester, when the prince refused to be put apprentice, the conclusion is thus given:—"Almighty Nose makes answer, 'Boy, you must be an apprentice; for all your father's revenue would not make holy satisfaction for the wrong he hath done the kingdom;' and so *Nose went out blowing*." Merc. Elenct. February 21st to 28th, 1649.

of the county militia, who amused him with a treaty for capitulating, till Lambert came up and secured him. Callendar, however, with about one half, refusing to await the issue of his general's timid and irresolute negotiations, broke through the enemy and escaped. Thus was destroyed an army, which, managed with common prudence, might have effected the object for which it was pretended to be raised, but which was rendered useless, and eventually ruined by a junction with the cavaliers, to whom, by their own declarations, the leaders were in sentiment utterly opposed. When the engagers entered England, Cromwell was occupied in the siege of Pembroke castle; and Fairfax, who was friendly to the presbyterians, was employed in that of Colchester. Had they then issued a declaration, that they meant to liberate the parliament and the king from the thralldom of the independents, and followed it up by a rapid march through the counties attached to their cause, direct to the capital, and cordially coalesced with the two houses, all was in their favour; but their irresolute conduct, the flagrant irregularities of the army, and the more than suspected principles of the commanders, exasperated the people, and allowed their opponents time to concentrate and overwhelm them.

Hardly had the fatal expedition marched, when the general assembly sat down,—July 12th. Their moderator was Mr. George Gillespie, whose distinguished talents were universally known and respected; but who laboured under the double disadvantage of ill health, and an imputation of being favourably inclined to the sectaries.\*

\* The proceedings of the covenanters in this assembly have been much misrepresented. Those who really adhered to the covenant, would have forborne with the sectaries, and even with the erastians, for the sake of obtaining substantial security for themselves; but the death of Gillespie, who bade fair to succeed to all the influence of Henderson, was a most unfortunate circumstance for the cause of toleration in Scotland. He evidently divided the assembly, and carried a majority, for which Baillie appears to have borne him a grudge. James Guthrie, who was afterwards executed for the cause, was of similar sentiments. Baillie complains, that “his [Gillespie’s] draught [of the declaration] was wanting of that which he thought the chief thing; a sharp complaint against the sectarian army, and the parliament’s negligence [in this] to perform their part of the covenant.” Here it requires to

Their principal business was political. The committee of estates hoped to prevent them from approving of the proceedings of their commission, especially as they had procured the absence of the leading lay members, Argyle, the chancellor, and Warriston, and had accused the commissioners of such misdemeanours, as rendered them incapable of voting in the assembly, until they were exculpated; but notwithstanding, their conduct was unanimously approven, and their judgment respecting the unlawfulness of the engagement, confirmed. At which, the committee, highly dissatisfied, desired to know what the assembly would require for securing religion?—the assembly answered, the repeal of the unlawful engagement; and, that the popish, prelatical, and malignant parties, should be declared enemies to the cause, as well as the sectaries, that all association with their forces or councils should be avoided, and that the management of the public affairs, might be intrusted to men of undoubted and unimpeachable integrity, whose conduct had given no just cause of exception or jealousy, and, at the same time, repeated the demands of the commission; to this the committee replied, craving scripture for the unlawfulness of the engagement, and for their meddling with matters of war and peace. The assembly justified themselves in a declaration concerning the present dangers of religion, and especially the unlawful engagement in war against the kingdom of England:—“Our witness,” said they, “is in heaven, and our record on high, that we do not this from any disrespect to the parliament,

be remembered, however, that the covenanters, like all other public bodies, that ever existed, were liable to be influenced by their different leaders; and, like them, liable to the charge of occasional inconsistency. Their ruling principles of love to religion and liberty never changed, but their concessions to sectaries varied, and would have been much more in consonance with true christian principles, but for the affected zeal of those political hypocrites, who afterwards endeavoured to stigmatize them as fanatics and dissemblers, and who, by an incessant repetition of their slanders,—the more furiously repeated, the more clearly they were refuted,—have contrived, among those who do not choose to examine, to shift from their own shoulders the charge of hypocrisy, of which they stood doubly guilty. Stevenson's Ch. Hist. vol. iii. p. 1260. Baillie's Letters, vol. ii. p. 299, et seq. Printed Acts, 1648. Rushworth.

whom we have honoured, and will ever honour, and also obey in all things which are agreeable to the word of God, to our solemn covenants, and to the duties of our callings; nor from any disloyalty to the king, or any contentious humour about light or small matters, but from conscience of our duty when the glory of God, and the peace, and liberties of the kirk are encompassed, and almost overwhelmed with great and growing dangers.” They lamented the manner in which the army was raised, and the materials of which it was composed, the unprincipled character of the soldiers,—arising from the admission of papists, Irish non-covenanters, malignants, and men under church discipline,—who, in forwarding the levy, had “used horrible extortion of money, and great spoil of goods, singling out those for the objects of their oppression who were known to have petitioned parliament against the engagement, or to make conscience of the worship of God in their families; and, as though the war had been against God himself, the Sabbaths were neglected and profaned by riot, ministers and people impeded in coming together, divine worship in many places disturbed, the preachers insulted, and the hearers dragged to the rendezvous.” They complained “that the desires of the kirk for the safety and security of religion had been entirely neglected in the engagement;” and if God’s glory be intended,” they asked, “what meaneth the employing and protecting in this army so many blasphemers, persecutors of piety, and others, guilty of notorious and crying sins?—or how can it be pretended that the good of religion is principally aimed at, when it is proposed that the king’s majesty shall be brought to some of his houses, in or near London, with freedom, honour, and safety, before ever there be any security had from him, or so much as any application made to him for the good of religion? They considered themselves, therefore, called upon to declare the many clear and full testimonies of scripture against the violation of covenants; and that the engagement was a direct breach of the solemn league and covenant, was evident from the neglect by the engagers of every article in that treaty which regarded the reformation of religion in England and Ireland, of which there was some hopeful beginning, and for which a good foundation had been laid;

also, when, instead of endeavouring to preserve peace and union, a breach is endeavoured between the kingdoms, not only in taking in and garrisoning their frontier towns, but, likewise, entering the kingdom of England with an army, and joining with the common enemies of both kingdoms. They could not, in these circumstances, without involving themselves in the guiltiness of so unlawful an enterprise, send ministers to attend the army. In these circumstances they called “upon all and every one of the members of this reformed kirk of Scotland to search narrowly into the sins which have procured so great judgments and so sad an interruption of the work of God; and if the breach of covenant, even in meaner things, provoketh the Lord to say, ‘Behold, I proclaim a liberty for you, to the sword, to the pestilence, and to the famine, and I will give the men that hath transgressed my covenant—not excepting, but expressly mentioning princes—I will give them into the hands of their enemies’: let all the inhabitants of the land seriously ponder how terrible judgments the violation of a covenant so recently, so advisedly, so solemnly made, and in so weighty matters, may draw on, if not timeously prevented by speedy repentance.” And they very naturally finish with an exhortation to the people to beware of all oaths and bonds, which may relate to the cause of God, unless they be approved of by the general assembly, or their commissioners; to the ministers to be in no ways accessory to the sinful engagement; and to all civil judicatories, and every one intrusted with power, to consider as they should give a strict account before the Judge of the quick and the dead, how fearful a thing it is to oppress the consciences of their brethren, by forcing them to comply with what they are convinced is sin, or by treating them with severity for not obeying such injunctions.

The assembly likewise sent a supplication to the king, in a strain suited to the seriousness of their character and the extremity of the case. They told him, “Although, through the suggestions of evil men, he might entertain hard thoughts of them and their proceedings, yet they could appeal to the Searcher of hearts, who knew that they bore upon their spirits those humble and dutiful respects for his majesty that loyal subjects

owed to their native sovereign; and that one of their greatest enjoyments upon earth would be, to see him reigning for the Lord, in righteousness and peace, over these nations. They sympathized with his present low condition and treatment, of which they expressed their abhorrence; yet reminded him, that it would be his wisdom, in this, as in all that had befallen him for some years past, to read the righteous hand of the Lord writing bitter things against him, for all his provocations, especially for resisting the Lord's work, and authorizing, by his commissions, the shedding the blood of his people, for which it was high time to repent, that there might be no more wrath against him and his realms. They regretted that his concessions were unsatisfactory, and inconsistent with the league and covenant, and warned and besought him, as the servants of the most high God, and in his name, that he would not draw new guilt upon his throne, and make these kingdoms again a field of blood, by owning the engagement, which had already been the cause of so much sorrow and suffering to the people of God in Scotland. Disappointed in persuading parliament to solicit his majesty, they now themselves entreated him to suffer himself to be possessed with right thoughts of the league and covenant, and of the proceedings of his loyal subjects in regard to it, and give his assent for enjoining the same in his dominions; and if, after so many dear bought experiences of the dangers of evil counsel, he would now be so wise as to avoid it, and hearken to their supplication, they were confident, by this means, he might yet be restored to his former greatness, and a sure and firm peace secured." They took this, their last admonitory leave, in a deep and grave tone of earnest expostulation, which might well recur to the misguided king in the few closing months of his eventful life. "We take it as a great mercy," are the concluding sentences of the supplication, "and as a door of hope, that God still inclines the hearts of all his servants to pray for your majesty; and we would not have your majesty to look upon it as a light thing that you have been preserved alive when many thousands have, by your procurement, fallen on your left hand. God forbid that your majesty should any longer despise the word of exhortation, the riches of his gracious forbearance and long-suffering, not knowing that the goodness of God leads

you to repentance. For if your majesty do so, as we are afraid all the counsels and endeavours for your majesty's re-establishment shall be in vain, and without success, because of the wrath of the Lord of Hosts, who brings down the mighty from his throne, and scatters the proud in the imaginations of their hearts. So shall we mourn in secret for it, and for all the miseries that are like to come upon your throne and your dominions, and comfort ourselves in this, that we have delivered our own souls."

Amid all their distractions and distresses, it deserves to be recorded, to the honour of this assembly, that they did not forget to provide for the instruction of the country, especially the barbarous districts; they approved of an overture, that forty Highland boys of a good genius, and approven by the synod of Argyle, be put to schools, and trained up in learning, and that every parish should pay forty shillings Scots, yearly, for their maintenance; but they never possessed power to carry it into execution, and twenty years after, when the south and the west were desolated by the savages from the hills, the presbyterians of the Lowlands acknowledged that their sufferings at their hands were a merited punishment for having delayed to provide for the instruction and civilization of the neglected mountaineer.

The proceedings of the assembly were highly resented by the committee of estates, who in prospect of Hamilton's success, threatened to suppress the commission of the kirk, as a judicatory sub-established by law, and to bring the most conspicuous of the ministers to account for their opposition. In return, the ministers separated equally displeased with the committee, afraid of their resentment, irritated at their threats, and anxious about the progress of the duke's army, which they deprecated as a misfortune to the country, "for though there was among them much pretended zeal for the end of the covenant, uniformity of religion, suppression of vice, and the like;" "yet the greater pretence," said they, "made of religious ends, to varnish and paint over malignant designs, the more hateful are these unto God, and unto good men;" and even Baillie himself, who was a trimmer in his politics, although he "wished that the cursed army should

evanish in smoke, and their friends in the houses, city, and country, be brought to their well deserved ruin; and that the king and his family, should at last be in some nearness restored to their dignity and former condition”—“feared that his restitution should come by these hands, and be so ill prepared, that the glorious reformation the nation had suffered so much for, should be endangered.”

Nor were they suffered long to remain in suspense—they rose on the 12th of August, on the 17th, 18th, and 19th, the supporters of the engagement were irremediably discomfited, and the covenanters in turn became lords of the ascendant. When the duke’s army entered England, the nobles, who had protested against that measure, commenced a new levy to withstand the engagers, in case of their being successful, and attempting to re-establish the king with unlimited power upon the throne. The ministers, who had threatened with excommunication all who abetted the engagement, encouraged them; and, at this time, started a doubt, how far it was lawful to pay money voted by a faction in parliament,—so they denominated the ruling party\*—for the purpose of carrying into effect an unlawful engagement, in opposition to the sense of the majority of the nation; the committee of estates, in return, denounced as rebels, all who would not swear to support the whole of the acts of the late parliament; while the people remained uncertain whom to obey, distracted between the executions of the state, and the terrors of the church. But, as soon as the news of the disaster reached Scotland, they were regarded as the voice of providence, and the western counties, which had with difficulty been kept quiet, broke out into open insurrection; the earls of Eglinton and Cassils heading those of the low country, and Argyle and Loudon, directing the highland districts. Upon hearing of these movements, the committee of estates at Edinburgh, collected the few troops remaining in the country as a guard, and nominated the earl of Lanark, commander. Had their only danger arisen from the tumultuous assemblage, this might easily have been met, but the advance of the victorious sec-

\* Baillie, vol. ii. p. 506.

taries was much more to be dreaded; an express was therefore despatched to recall Munroe, and Lanark marched south with all the forces he could muster, to join him, the road being thus left open, the westlanders proceeded to Edinburgh, and the committee of estates withdrew.—This was called the whigs' road.\*

Munroe, during the advance of the duke, had remained at Kirkby Lonsdale, with the Scoto-Irish forces, where he received intelligence of Cromwell's approach. When that general had reached Skepton castle, in Yorkshire, which being equidistant from his quarters and Preston, he, dreading to be attacked while unsupported, retreated to Appleby, and sent notice to Hamilton, who either never received or disregarded the information. On learning, however, that Cromwell had taken the road to Preston, he returned to his former station, where he kept his horse and foot night and day in readiness; but he received no orders for his direction. Two days after, his patrols upon the Preston road, were early in the morning unexpectedly alarmed by the confused noise and trampling of horse at a distance, it was the scattered rear-guard of the duke's army, bringing intelligence of his defeat. Munroe entreated them to remain with him;—they were about fifteen hundred horsemen—but they refused, and proceeded to Scotland, spoiling and plundering as they past, and rendering the country more hostile than ever to the unfortunate stragglers, who afterwards sought to escape. He then, on ascertaining the full extent of the misfortune, retired by

\* Kirkton's Hist. p. 46. Burnet calls it the Whiggamores' inroad, and thus gives the derivation of the term:—"The south-west counties of Scotland have seldom corn enough to serve them round the year, and the northern parts producing more than they need, those in the west come in the summer to buy at Leith the stores that come from the north, and from a word Wig-gam, used in driving their horses, all that drove were called Whiggamores—shorter Whiggs."—Hist. vol. i. p. 58. The name has also been derived from Whigg—the whey of butter-milk—"the poorest of kitchen," which the covenanters were said, in their distress, to be happy to procure, and were thence, in derision, called Whiggs. The term was afterwards more honourably applied—it were devoutly to be wished it had never been assumed by worse subjects.

the east road,\* with the intention of setting fire to the coal pits at Newcastle; but on his march received the orders from the committee of estates for his return. At Haddington, he was met by the earls of Crawford, Glencairn, and Lanark; and when the forces were mustered at Gladsmuir, they amounted to three thousand horse, and two thousand foot. With these Munroe proposed to attack the west country whigs, who were now modelled into a regular army by David Leslie, and other officers who had refused the engagement; but the committee of estates having already entered into a negotiation, and agreed to a cessation of arms with the other party, would not consent.† Disappointed in this, he, in concert with Lanark, made an insidious attempt to regain for the engagers the command of the country.‡ He set out with his troops to obtain possession of the pass of Stirling, in order to prevent the junction of Argyle with the other associated lords, while Lanark proceeded to Perth to endeavour to raise an army in the north. On his march, he had nearly surprised Cassils at Linlithgow, who made a hasty retreat to Borrowstounness, and thence to the Queensferry; but was more successful at Stirling. When he had reached Larbert, being told that Argyle was in Stirling with about sixty horse, and a number of foot, leaving his infantry to follow, he rode forward with all his cavalry, and making a circuit, entered that town by the park. On an alarm being given, the marquis with a few horse, had only time to escape by the bridge, his untrained foot soldiers attempting to follow, were met and mercilessly cut down by Sir George's troopers; they made but a feeble resistance, and after about a hundred were killed, the remainder were taken prisoners.

Elated with the success of this skirmish, the committee of estates issued orders for all the fencible men in the north to join Munroe at Stirling, but the nobles would not obey the call, and the army, now placed under the earl of Leven and Leslie, re-enforced by the gentlemen from Fife, and by

\* Whitelock, p. 331.

† Rushworth, vol. vii. p. 1275. Burnet's Mem. p. 374, et seq.

‡ Thurlow's State Papers, vol. i. p. 106.

the earl of Buccleugh, and the Scotts from the border, who had followed and watched Munroe, prevented all communication with the south. Argyle, meanwhile, arrived in Edinburgh, exasperated at the faithless attack, and in conjunction with the other members of his party, who had ever been averse to the invasion of England, made application to Cromwell for aid to quiet the disorders of the country, in terms of the article of the treaty, by which the two kingdoms were mutually engaged to render each other assistance in repressing any internal disturbances that might arise from the machinations of those who were enemies to the covenant, or who should attempt to sow discord between the two nations.\* With this request, Cromwell immediately complied, and returned an affectionate answer, “professing with all heartiness, to be ready to join with them against the disturbers of the peace and good will between the two kingdoms, and desiring nothing more than the rooting out of trust all loose persons, and such as were enemies to goodness and good men; assuring them, at the same time, that in his entrance, he would deny himself and his soldiers, what he would take in England.”

Perceiving the impossibility of resisting the wishes of the people, and the united force of England and the covenanters, the engagers yielded at last to listen to the mediation of the ministers; and upon condition of having their lives and fortunes secured, and that they should not be called to account for their late conduct, agreed to demit their offices, and disband their forces. Munroe with his troops were to receive a month’s pay, and be permitted to return to Ireland; but Monk, who commanded there, had taken advantage of his absence, and reduced the garrisons of Belfast, Carrickfergus, and Colerain.

After the decisive victory at Preston, Cromwell advanced with his forces toward Scotland. He was met at Berwick by messengers from the committee of estates, now consisting entirely of covenanters since the Hamiltonian faction had demitted, who brought him a letter from the chancellor in their name, “thanking him for his readiness to assist them, and for the good order and discipline which he had maintained in his

\* Whitelock, p. 534.

army, by preventing any stragglers from doing mischief when they lay so near the borders; informing him, at the same time, of their treaty with the other party, and their own anxiety to avoid every thing which might import an accession to the guilt of the late engagement: that, in consequence, they had given orders for disbanding the Scottish forces in the garrisons of Berwick and Carlisle, and delivering the towns for the use of the parliament of England." Having received and garrisoned Berwick, the English general proceeded, by invitation of the committee, to Edinburgh to settle the tranquillity of Scotland in conjunction with them. At Edinburgh he was received with great pomp, and lodged in the earl of Moray's house in the Canongate, with a strong guard placed before his gate for honour and security.\* The lord provost and magistrates paid him complimentary visits, as if he had been the sovereign, and the ministers congratulated his arrival as the saviour of the country. To mark more strongly their regard he was maintained at the public expense, and a magnificent entertainment was given to him and his officers, along with generals Leven, Leslie, the marquis of Argyle, and a number of Scottish nobility in Edinburgh castle, from which he departed under a discharge of artillery; the parties little imagining that within two years they would meet again under very different circumstances. During his stay in the capital, all the forces on both sides were disbanded, except one thousand foot, and five hundred horse, under the command of Leven and Leslie, who, together with two regiments of horse, and two troops of dragoons, under general Lambert, were to remain imbodyed, to protect the covenanters and secure the new arrangements.†

Frequent consultations were necessarily held between Cromwell and the ruling party, at which the royalists slanderously affirmed that the execution of Charles was concerted with Argyle; the regulation of Scotland, and arranging the places necessary to secure the ascendancy of the covenanters, were sufficient to occupy the attention of Cromwell during the whole of his stay; nor does the subsequent conduct of the marquis war-

\* Guthrie says, Lady Home's, Mem. p. 297.

† Whitelock, p. 356. Rushworth, vol. viii. p. 1106.

rant our believing the mischievous reports which were circulated by his enemies, of his wishing to usurp the throne or change the government. Having obtained the restitution of the two frontier fortresses, and the exclusion of the engagers from the municipal offices in the metropolis and the next parliament, Cromwell returned to England, to take an active share in the important transactions going forward in the metropolis, which threatened to subvert the independent interest and annihilate the army. He was followed by Sir John Chiesley and Mr. Robert Blair, minister, as interim commissioners till the estates should assemble, to express the gratitude of Scotland for the good offices of the lieutenant-general, and their desire to cultivate the amity of the two houses, and maintain the integrity of the existing treaties.

Nothing is a greater proof of real magnanimity than being able to submit with dignity to the pressure of unavoidable calamity. A mind of a superior order commands circumstances, not less by yielding gracefully, and without the appearance of constraint, than by unshaken constancy in resisting as long as there exists any rational appearance of success. Charles could not perceive this—he resisted with obstinacy till every chance was fled. He tired and disgusted his opponents, by pertinacious quibbling, and scholastic or casuistical controversy, till at last concessions, wrung from him by the utter hopelessness of his state, became as unavailing as they were rendered contemptible. While the English parliament were freed from the influence of the army, and the presbyterians, during the absence of Cromwell and his party, constituted a majority, a new treaty was commenced with the king, and the restored members were extremely urgent to have it concluded, that the weight of the crown thrown into the parliamentary scale, might enable them still to balance the sword in the hands of their opponents, and had his majesty at once, and without hesitation, at the commencement, acquiesced in those concessions which he offered at the close of the discussions, he might, probably, have been restored to his throne, and have avoided the scaffold; but his object, in entering upon negotiations, was to protract time till the result of other disputations more congenial to his disposition were ascertained: he trusted

to the operations of Hamilton and the efforts of the royalists, and was rather desirous of entering his capital “at the head of an army, than at the tail of a treaty.”

The subjects of discussion were the same as those which had been fully canvassed at Oxford, Uxbridge, and Newcastle; the arguments were the same, and when his life, liberty, and crown were in suspense, the king vexatiously reiterated objections, which he well knew would never be listened to, and repeated propositions, which he was equally certain would be rejected; he seemed to pique himself upon sustaining a debate when the object was to settle a kingdom, and although their mutual requisitions were fully understood, he pertinaciously dissected them, as if they had never previously been mentioned. The parliamentary commissioners, on their knees, and with tears, entreated him to despatch the business with all possible haste,\* and assured him, if, without the formality of interchanging written memorials, he would frankly empower them to make his concessions, they did not doubt but that in a few days he would be brought up with freedom, honour, and safety to parliament, and that a speedy settlement would be obtained; but Charles, remaining still under the delusion that no settlement could be accomplished without him, and that come what might his person was sacred, continued to procrastinate, till Hamilton was defeated, and Colchester taken; then, when the army and the independents were triumphant, he consented—to revoke every hostile proclamation and declaration against parliament, and to acknowledge that they had taken up arms in self-defence;—a preamble which they had long contested, but which they deemed necessary for their own preservation, and he admitted, only provided the whole treaty were concluded;—to surrender the militia, and the nomination of the chief officers of state for twenty years:—to give full satisfaction respecting Ireland, and to acknowledge the parliamentary great seal. Religion, and the exemption from pardon of seven delinquents, were the only points upon which they continued to disagree. Parliament required the total abolition of prelacy, and the approbation of

\* Burnet's Hist. vol. i. p. 61. Whitelock, p. 551.

the covenant; Charles was willing to give up archbishops, deans, and chapters, but not bishops, these he considered as essential to a church, the parliament considered them as supporters of despotism.\* Dreading the re-establishment of episcopacy if its most irresistible argument remained uncontested, parliament had sold the church lands: despairing of re-introducing his beloved hierarchy if its emoluments were forever alienated, Charles refused to confirm the sale, and proposed to grant ninety-nine years' leases, at the old rents. But the parliament, who recollect ed the manner in which episcopacy subverted presbyterianism in Scotland, and who perceived in the king's anxious reservations in its favour, a determination to preserve the seedlings of the hierarchy, which clearer skies and more propitious seasons might ripen into cedars, determined that their spreading branches should never shade their ecclesiastical Lebanon. Their inflexibility on this point, was confirmed by the transpiring of the engagement between Charles and the Scottish commissioners, at the Isle of Wight; its unsatisfactory concessions had divided the Scottish nation, and the preference shown by Hamilton to the malignants, justified the fears of all the presbyterians, that they were not less obnoxious to the royal suspicion and hatred, than the independents. This was a wide field for controversy, and here the disputants wrangled, till the army stepped in and settled the controversy.

It is melancholy to think, that even at this period, Charles still played a double game, and that not satisfied with having involved again his ancient kingdom in confusion and blood, nor pleased with the thousands, who, during the summer, had been idly sacrificed to his unreasonable obstinacy, he still meditated new plans of mischief, and that the tenderness of conscience which he urged, was only to protract the negotiations till he could find the means of kindling, for the fourth time, the flames of civil war in his devoted country. Hopeless of Scotland, he eagerly turned to Ireland, to which he meditated an escape—his own letters shall speak for him. Afraid lest Ormond should trust his public professions and believe him sincere, he tells him, [October 10th, 1648,] “I must com-

\* Ludlow, folio ed. p. 102.

mand you two things, first, to obey all my wife's commands, then not to obey any public command of mine, until I send you word that I am free from restraint; lastly, be not startled at my great concessions concerning Ireland, for they will come to nothing." And same month, 28th, thus writes him, " This is not only to confirm the contents of that, but also to approve of certain commands to you, likewise to command you to prosecute certain instructions, until I shall, under my hand, give you other commands. And though you will hear that this treaty is near, or at least, most likely to be concluded, yet believe it not, but pursue the way you are in with all possible vigour. Deliver that, also my command, to all my friends, but not in a public way, because it may be inconvenient to me." And in a letter to Hopkins, he is fully more explicit; " To deal freely with you," says he, " the great concession I made to-day, [October 9th,] was merely in order to my escape, of which, if I had not hopes, I had not done, for then I could return to my strait prison without reluctance; but now I confess it would break my heart, having done that which nothing but an escape can justify." \* If the king had been true to any one party, and had honestly and openly adhered to them, his misfortunes would have claimed our pity, however much we might have been disposed to detest his principles; but when we see him in the most solemn negotiations, acting with so much duplicity, a feeling of contempt mingles with the indignation which it is impossible to repress, at seeing such selfishness sporting with the best interest of a nation, whose welfare it was his paramount duty to have consulted.

Hollis and the restored members in the house of commons,

\* Ormond had gone to Ireland to negotiate a peace with the insurgents, and prepare them for receiving and aiding the king; yet Charles assured the parliamentary commissioners, that he had transacted nothing respecting Ireland except with themselves. He was, at the same time, in treaty with Sir William Hopkins, who resided opposite to Newport, to endeavour his escape, although he had promised the parliament, upon his honour, that he would not leave the island during the discussion of the treaty, nor for twenty-eight days after. Cartes Ormond, vol. ii. Appendix, p. 17. Letters subjoined to Wagstaff's Vindication, p. 142, &c. Laing's Hist. vol. iii. p. 412, 413. Brodie's Brit. Emp. vol. iv. p. 144.

would have made any concessions almost to obtain the king's return, by which they hoped to effectuate the reduction of the army, and would have accepted of very slender guarantees in order to accomplish their object. The army, aware of this, watched their motions with vigilant attention, and after dispersing their enemies in the field, began to consider how to secure themselves from their enemies in the council, they perceived their own destruction, and that of the cause for which they had been fighting, in the conjunction of the king and the presbyterians, and they resolved to prevent it by a forcible interference.

Their first step was to present a remonstrance to parliament, demanding justice on all delinquents, but particularly upon the king, as the capital cause of all the evils of the kingdom, and of the late unjustifiable renewal of bloodshed;—in this, however, it deserves to be remarked, they had been anticipated nearly two months, by a petition to the same effect from the inhabitants of London, to which many thousand signatures were affixed, and upwards of a month by the county of Oxford. To their remonstrance the parliament paid no attention, and the army again seized the king's person, and carried him to Hurst castle, a fortress situate on a small neck of land opposite. Against this violation the houses protested, and after a debate of twenty-four hours, voted the king's concessions sufficient grounds for a treaty; the following day, a number of the principal officers of the army came to London, and consulting with some of the opposition members of the commons, they resolved that the measures taken by parliament were contrary to the trust reposed in them, and tended to contract the guilt of the blood that had been shed upon themselves and the nation. That it was, therefore, the duty of the army to endeavour to put a stop to such proceedings, having engaged in the war, not as mercenaries, but out of judgment and conscience, being convinced that the cause in which they had embarked was just, and that the good of the people was involved in it. In pursuance of this resolution, they agreed that none should be permitted to pass into the house, but such as had continued faithful to the public interest; and surrounding St. Stephen's with guards, the obnoxious individuals were arrested by special

order from the general [lord Fairfax] and council of the army, colonel Pride, who commanded, being furnished with a list of the members to be excluded, and lord Gray of Grooby, attending to point out their persons. A hundred and forty members thus excluded, the remainder of the house of commons retraced their steps, reversed their former vote for recalling the impeached members, declared the king's concessions unsatisfactory, the proceedings for a personal treaty dishonourable, and confirmed the resolution against more addresses.

Preparatory to their future proceedings, the commons resolved, that by the fundamental laws of the realm, it is treason in the king of England, for the time being, to levy war against the parliament and kingdom of England. The lords rejected the ordinance when sent up to them, and adjourned for ten days to avoid any unpleasant collision; but the commons, instead of being disconcerted, passed a declaratory act, "That the people are under God, the original of all just power. That the commons being chosen by and representing the people, and the supreme power of the nation, and that whatsoever is enacted or declared for law, by the commons in parliament, hath the force of a law, and the people are concluded thereby, though the consent of king and peers be not had thereto;" and proceeded to erect a new and special tribunal, A HIGH COURT OF JUSTICE for the trial of the king.\* It consisted of one hundred and thirty-three persons, named from the commons, the army, and the citizens, but it was a new and delicate situation, and prudential motives prevailing with a number who were named, scarcely ever above seventy assembled at a time; Fairfax, after having given it the sanction of his name and approbation, sat only once with the commissioners to arrange the charges against the king, the influence of his lady, who was a keen presbyterian and strong royalist, preventing a second appearance.† Westminster

\* Ludlow, p. 103, 104. Whitelock, p. 356.

† Mr. Fox remarks, "great and respectable as are the names of some who sat in the high court, they must be regarded in this instance, rather as ministers of that usurper, [Cromwell,] than as acting for themselves." From this charge, Ludlow must certainly be exempted, and colonel Hutchinson, al-

hall was fitted up with imposing grandeur for the occasion, and every circumstance of outward pomp was added, which could give dignity to the unparalleled scene of royalty, arraigned at the bar of the delegated power of the people.\*

When the king was carried to Hurst castle, its dark and gloomy appearance inspired him with a dread, that he was brought hither to be assassinated, and one night, when he heard the silence interrupted by the drawing up of the portcullis, and the trampling of horses on the bridge, he eagerly sent to inquire the cause, remarking to his attendant, that this was a fit place for such a deed; and he felt relieved, when informed that it was a guard arrived to escort him to Windsor. But he was mistaken in the men with whom he had to do, and did not understand the signs of the times. The power which his father had claimed *jure divino*, and the plain unvarnished manner in which he had asserted his despotic principles, had occasioned an universal investigation

though “ very much against his owne will put in, yet looking upon himself as called hereunto, durst not refuse it, as holding himself obliged by the covenant of God, and the publick trust of his country reposed in him, although he was not ignorant of the danger he runne as the condition of things then was.” Mem. p. 304; and I have no doubt, many others acted from similar motives, the public voice was against the king, and the army partook of the public feeling. Cromwell, the distinguishing characteristics of whose mind, were sagacity and decision, dexterously availed himself of the circumstances of the times in which he lived; but he has been egregiously wronged by those representations, which depict him as if he had created them. The vacillating conduct of Fairfax, on this occasion, when contrasted with the bold downright determination of Cromwell, so congenial to true English feeling, must have tended greatly to weaken the general’s influence in the army, and confirm his lieutenant’s.

\* The king never could persuade himself that he was in any personal danger, which may, in some measure, account for his pertinacious obstinacy in refusing his concessions so long. When the troops surrounded Carisbrook castle, and there was yet a chance of escape, the duke of Richmond, and the earl of Lindsay, urged him to attempt it; but he interrupted them, stating the difficulty if not impossibility of accomplishing it, and that the consequence would be, should he miscarry, his exasperating the army, and disheartening his friends; and added, “ Nay, what if the army should seize him, they must preserve him for their own sakes, for that no party could secure their own interest, without joining his with it.” Col. Cooke’s Narrative. Rush. vol. vii. p. 1344.

into the origin of royal power, and the reciprocal rights and duties of prince and people. Charles by provoking the same discussions, had contributed to weaken the charm which encircles royalty in free states; and the violent defenders of passive obedience, by outraging the common sense of the people in their zeal for the king, still farther tended to destroy the cause they so injudiciously attempted to support. By vesting the whole power personally in the monarch, they rendered him personally responsible, and took away those surest guards of majesty, the accountability of the servants of the crown, and the constitutional fiction, that the king can do no harm. At the commencement of the dispute, the patriots abstained from bringing forward his majesty in all their remonstrances and petitions, the persons against whom their invectives were directed, were his advisers; it was those who called themselves the friends of royalty, that first brought the sovereign and the parliament into contact. But when he actually appeared in arms against them, the saying which became current in the parliamentary army, that it was as lawful to fire a pistol in the face of the king, as in that of any other combatant in the field, evinced that idle reverence for the sacred person formed no part of the political creed of his opponents. When Charles mentioned to colonel Harrison on his progress to Windsor, a report that he had heard of his being employed to assassinate him; the colonel repelled the charge with honest indignation, but told him, that he had said "the obligations of the law were equally binding on the great and small, and that justice had no respect of persons." The idea of making a striking example of public justice on the highest delinquent, was far more consonant to the rigid principles of these sturdy republicans, than that of securing their own safety by any private crime, and it had been long talked of, although, perhaps, this might be the first direct intimation that the king received of the possibility of his being brought to the bar as a criminal to answer in the face of the world to charges preferred against him by those he had been accustomed to talk of as his subjects.

This unprecedented trial commenced, January 19th, 1649, when the High Court of Justice first sat in the painted cham-

ber, sergeant Bradshaw was president; John Cooke, nominated for this occasion, solicitor-general for the people of England, had Dr. Dorislaus, Mr. Steel, and Mr. Aske, his assistants. Next day they met in Westminster hall, when the king was brought before them, escorted by colonel Hacker, and thirty-two officers, with partisans,\* his own servants immediately attending him. He was received in the face of the court by the sergeant at arms, with his mace, who conducted him to the bar, where a chair covered with crimson velvet was placed for him. After sternly eyeing his judges and the spectators, he seated himself without moving his hat or showing the least mark of respect to the court, then rising hastily, he cast a haughty glance at the guards and at the crowded galleries, and again sat down. Silence being proclaimed, the president addressed the prisoner, acquainting him that the commons of England assembled in parliament, deeply sensible of the evils and calamities that had been brought upon the nation, and of the innocent blood which had been spilt in it, which was fixed upon him as the principal author, had resolved to make inquisition for that blood; and according to the debt they owed to God, to justice, to the kingdom, and to themselves, and according to that fundamental power that rested, and trust reposed in them by the people,—other means failing through his default—had resolved to bring him to trial and judgment, and had therefore constituted that court of justice before which he was then brought, where he was to hear his charge, upon which the court would proceed. Mr. Cooke then rising as solicitor for the commonwealth offered to proceed, but the king softly laying his cane two or three times on his shoulder forbade him to proceed;† the president ordered him to go

\* Weapons like halberts, then carried by officers.

† While in the act of tapping the solicitor's shoulder, the silver head of Charles' staff fell off, and one of his attendants having stooped to lift it, it rolled away to where the king stood, and he had to lift it himself, this was considered as a fatal omen; so apt are superstitious minds to predict fatal consequences from trifles, and to overlook their own misconduct, the surest augury of all misfortune. This ridiculous propensity to receive as oracles accidental circumstances, which could have no rational connexion with future events, was very prevalent in Charles' court, and their love for the marvel-

on. In obedience to the court, he exhibited the charge against the king, which was read by the clerk, it was to the following effect:—“ That the said Charles Stuart being admitted king of England, and therein trusted with a limited power to govern by and according to the laws of the land and not otherwise; and by his trust, oath, and office, being obliged to use the power committed to him for the good and benefit of the people, and for the preservation of their rights and liberties; yet, nevertheless, out of a wicked design to erect and uphold in himself an unlimited and tyrannical power to rule according to his will, and to overthrow the rights and liberties of the people; yea, to take away and make void the foundations thereof, and of all redress and remedy of mis-government, which, by the fundamental constitution of the kingdom, were reserved in the people’s behalf, in the right and power of frequent and successive parliaments, or national meetings in council. He, the said Charles Stuart, for accomplishment of such his designs, and for the protecting of himself and his wicked adherents, in his and their wicked practices to the same ends, hath traitorously and maliciously levied war against the present parliament and the people therein represented.” The particular engagements of the first campaigns are then narrated; next the renewing of the war, in 1648, with the continuance of commissions to the revolters, both English and foreigners, and to the earl of Ormond, and the Irish rebels, for prolonging the calamities of the country. “ All which designs, wars, and evil practices of the said Charles Stuart, have been and are carried on for the ad-

lous produced or invented many strange coincidences. Among those of very apocryphal authority, is the story of a large cake of wax, which Charles had always set in a silver basin to burn in his chamber during the night; it went out, and the earl of Lindsay, who slept in the chamber as his attendant, observed it, but durst not rise to re-light it, lest he should awaken his majesty; he then fell asleep; but when he awoke, to his astonishment the lamp was burning brightly! He mentioned the circumstance to the king, who told him he also had observed it, and considered it as a prognostic of God’s power and mercy towards him or his, that although he was at that time so eclipsed, he or they might shine out bright again! Alas! for the omen!—the taper of his family was re-lighted; but it was only to blaze for a moment, and then be extinguished for ever.

vancement and upholding of a personal interest of will, power, and pretended prerogative to himself and his family, against the public interest, common right, liberty, justice and peace of the people of this nation, by and from whom he was intrusted as aforesaid. By all which, it appeareth that the said Charles Stuart, hath been and is the occasion or author and continuer of the said unnatural, cruel, and bloody wars; and therein guilty of all the treasons, murders, rapines, burnings, spoils, desolations, damages, and mischiefs to this nation, acted and committed in the said wars, or occasioned thereby." While the charge was reading, Charles smiled contemptuously, as if in scorn at his judges; his enemies imputed it to the pleasure he felt at hearing of the destruction of his opponents. When the charge was done reading, the king demanded by what authority he was brought thither; and on being answered by the authority of the commons of England, he observed he saw no lords there whose presence with that of the king was necessary to constitute a parliament; he insisted that the kingdom of England was hereditary, not successive, and for the exercise of that power which he derived from heaven he was not accountable to man; he would not therefore betray his trust by acknowledging an unlawful authority. Besides, while engaged in treaty with his two houses, he had been forcibly taken prisoner and carried from the Isle of Wight, and brought thither by military violence, when he thought the treaty had been concluded. The president when he had finished, said, as to his plea of not being accountable to man, seeing God by his providence had overruled it, the court had resolved to do so also, and if he would give no other answer, it should be registered, and they would hold him as confessed.

He was repeatedly brought before them, and continued to persist in questioning their jurisdiction; as a king, he denied that he was answerable to any human tribunal, that he was responsible to God alone; but granting that the people had the power to bring him to account, in that case, he contended, every man down to the meanest subject ought to have given his opinion; he confessed he had a trust, a great and important trust—the freedom, and liberty of the people of England, and

for that he would stand; “For the charge,” added he, “I value it not a rush; but for me to acknowledge a new court that I never heard of before, I that am your king, that should be an example to all the people of England to uphold justice, and to maintain the old laws; indeed, I do not know how to do it;” he was proceeding, when the president interrupted him, requiring him to give a positive and final answer, by way of confession or denial of the charge; “Sir,” replied the king, “I say again to you, if I might give satisfaction to the people of England of the clearness of my proceedings, not by way of answer to your demand, but to show them that I have done nothing against that trust that hath been committed to me, I would do it; but to acknowledge a new court against their privilege, to alter the fundamental laws of the kingdom, Sir, you must excuse me.” “Sir,” answered the president, “this is the third time that you have publicly disowned this court, and put an affront on it; how far you have preserved the privileges of the people your actions have spoken it—and truly, Sir, men’s intentions ought to be known by their actions—you have written your meaning in bloody characters throughout the whole kingdom;” and, having ordered the default to be recorded, the king was withdrawn. Witnesses were then examined in support of the charge—that the prisoner had levied war, and carried arms against parliament and the people of England; and upon their evidence he was pronounced guilty. Before sentence was passed he earnestly desired to be heard before the lords and commons in the painted chamber, upon a subject which he said highly imported the lasting peace of the nation; some of the judges appearing willing to comply, they retired to deliberate; in about half an hour they returned with a refusal to his request, which they said tended to set up another or co-ordinate jurisdiction in derogation of the power whereby the court sat. It was generally supposed that he meant to resign the crown in favour of his son, which, as the kingly authority was not yet abolished, would have been throwing an additional bone of contention among a people already sufficiently disposed to disunite, and whom the utter hopelessness of ever again seeing royalty established would alone reconcile to the republican form of government. He was

sentenced as a traitor, tyrant, murderer, and public enemy, to suffer death by decapitation. Some of the foreign powers interfered on his behalf; but their mediations were without effect, and the tragedy was enacted before astonished Europe, whose monarchs beheld with awe and silent amazement the solemn and impressive spectacle.

The king passed the interval between his sentence and execution—from Saturday till Tuesday—at St. James', attended by Juxton, late bishop of London, whom he had selected to assist him in his devotional exercises; Calamy, Caryl, and several other presbyterian and independent ministers presented their duty, and their humble desires to pray with him and perform other offices of service, if he would be pleased to accept of them; he thanked them for their love to his soul, begged they would remember him in their petitions to God; but declined receiving their personal assistance. Such of his family as were in England were allowed to visit him with freedom during the short space he had to live, and the interviews were tender and affecting; he bestowed on them his best advices, and exhorted them to maintain their loyalty and duty to their eldest brother so soon to be their king. Early in the morning of the day of execution—Tuesday—his majesty awoke before light, and called Herbert, who reposed on a pallet by his side, and directed him to be particularly careful in dressing him; “this is my second marriage day,” he remarked, “I would be as trim to-day as may be, for before night I hope to be espoused to my blessed Jesus;” he also desired him to let him have a shirt on more than ordinary, lest, as the season was so sharp, and he might shake, some of the observers might imagine it proceeded from fear;” adding, “I would have no such imputation, I fear not death, death is not terrible to me, I bless my God I am prepared.” At an appointed hour Juxton joined them, and assisted Charles in his devotions; after which he gave Herbert some presents for his children and his farewell advices. When the time drew near, about ten o’clock the melancholy procession left St. James’ for Whitehall, the king walking on foot through the park between some companies of foot who lined the road, with his own immediate attendants walking bareheaded before and behind between a private guard of

partisans. The people behaved with decorous respect, and murmurs of sympathy were heard as he passed, while the silence of the soldiers and the mournful expression of their countenances evinced that they were not unaffected at this striking instance of the mutability of man's best estate. At Whitehall he remained some time in the cabinet where he used to sleep, engaged in religious exercises, and at twelve took a glass of wine and a little bread, thence he proceeded through the banqueting room to the scaffold, which was erected in the street in front, and to which an entry had been formed by opening a window; it was hung round and had the floor covered with black, the block placed in the middle, and the axe laid upon it. Horse and foot were drawn up all around, and the crowd of spectators was immense. When the king came upon the scaffold, he made a pause, and looking very earnestly on the block, asked at the officer who stood near him if there were no higher? He then addressed the gentlemen who were around him, as he said he could not expect to be distinctly heard at a distance, and even to them he would have held his peace, only he was afraid his silence might be construed into a confession of guilt and not of resignation. He protested his innocence. All the world knew he did not begin the war, and he called God to witness that he never intended to encroach upon the privileges of parliament; they did so upon his when they took the militia, and their commissions were earlier dated than his. He hoped God would clear him of the guilt, and he in charity did not mean to impute it to the two houses, for he believed that ill instruments between them had been the cause of all the bloodshed; yet would he not say, but that God's judgments were just upon him; and he acknowledged retributive justice in the sentence he was now to suffer, for his own crime in having assented to the execution of an unjust sentence on his friend. He pronounced his forgiveness on all the world, even those who were the immediate cause of his death, he expressed his wish that they might repent of this great crime, and he prayed, with St. Stephen, that it might not be laid to their charge, and not only so, but that they might take the right way for the peace of the kingdom. This he believed would never be the case, nor would God ever prosper

them till they gave, God his due by regulating right according to the scriptures, his church, which was then out of order; the king his due according to the laws of the land; and the people their due, their liberty, and freedom—but that, he reminded them, did not consist in their having any share in the government, that is nothing pertaining to them; a subject and a sovereign are clean different things; their freedom consists in being obedient to laws that secure their life and goods. “Sirs,” added he, “It was for this that now I am come here: if I would have given way to an arbitrary way, for to have all laws changed according to the power of the sword, I needed not to have come here; and therefore, I tell you—and I pray God it be not laid to your charge—that I am the martyr of the people. I have delivered my conscience; I pray God that you take those courses that are best for the good of the kingdom and your own salvation.” When he had ended, Dr. Juxton suggested, that it might be expected he would say something of his affection for religion. The king thanked him for reminding him of this, for he had almost forgotten it, and addressing the spectators again, he said, “In troth, Sirs, my conscience in religion I think is very well known to the world, and therefore I declare before you all, that I die a christian, according to the profession of the church of England, as I found it left me by my father.” Turning to the officers, he said, “I have a good cause and a gracious God.” Dr. Juxton, at his desire, assisted him in adjusting his hair under a satin nightcap, while he repeated, “I have a good cause and a gracious God.” The prelate replied, “There is but one stage more—this stage is turbulent and troublesome—it is a short one; but you may consider it will soon carry you a great way—it will carry you from earth to heaven, and there you shall find to your great joy the prize you haste to—a crown of glory.” “I go,” replied the king, from a corruptible to an incorruptible crown, where no disturbance can be.” “You are exchanged,” added Juxton, “from a temporal to an eternal crown—a good exchange.” The king took off his cloak and his George, and giving his George to Dr. Juxton, said, in a low tone, *remember*. His neck was then adjusted to the block, and having repeated a short prayer, he stretched out his hand, the appointed signal, on which the execu-

tioner, who was masked, performed his office. An assistant, also masked, held up the bleeding head with the common exclamation,—here is the head of a traitor. This sad spectacle excited in the beholders those mingled emotions of pity and compassion which fallen greatness seldom fails to inspire; and several endeavoured, by dipping their handkerchiefs in his sacred blood, to preserve some holy relic of the “royal martyr.” His body was put in a coffin covered with black velvet, and carried back to the cabinet chamber in Whitehall; there, after being embalmed, it was enclosed in a leaden coffin, and remained till February 17th, when it was carried to Windsor, and lay in state in the Dean’s Hall a short time: it was subsequently buried privately in St. George’s chapel, where it remained undiscovered till a few years ago, notwithstanding some feeble attempts at the restoration to find it out, and bestow on it funereal honours.

Charles was in the forty-ninth year of his age, and the twenty-fourth of his reign, when he fell a sacrifice to his obstinate love of arbitrary power in church and state, and the multiplicity of his unprincipled intrigues to regain it, after the chances of war had declared against him. His misfortunes and melancholy fate, his attachment to episcopacy, his firmness on the scaffold, and his reputed piety, have contributed to procure for his character a degree of respect, which had he perished by the hands of an assassin, or the cabal of an aristocratic faction, it would never have received. His career in Scotland commenced by an open, undisguised avowal of despotic principles, and by wanton and shameless attacks upon the privileges of parliament, and the personal safety of his constitutional opponents.\* His innovations upon the religious establishment of that country, were constant aggressions upon the law of the land; and by whatever mental reservation he might reconcile his conscience to the declaration, that he did not commence the war in England, the Scottish nation were as incapable as unwilling to attack him, when his warlike preparations forced them to take arms. After the insidious truce at Dunselaw was concluded, his total disregard to all his promises led to the second rupture with his native kingdom, towards which his conduct had only exhibited

\* In the cases of lords Rothes and Balmerino.

one unvarnished picture of tyranny and duplicity. His concessions during his last visit were evidently intended merely to secure the neutrality of the covenanters till his success in England enabled him to recall them, and reduce both kingdoms to the same hopeless subjection. His throwing himself into their army at Newark, was with the intention of separating them from the English, and enabling him to maintain the war with their forces; and his last engagement was yet more indefensible and ruinous. As king of Scotland, it is difficult to discover any one act which entitles his memory to the regard of his countrymen. His piety they did not esteem of much value; and even his far famed chastity was held doubtful.\* They could not give great credit to that man's professions of regard for religion, who authorized and enjoined the profanation of the sabbath, who paid no regard to the obligation of an oath, and who showed little hesitation in taking the name of God in vain in his common conversation; and his regular compliance with the mode of presbyterian worship while in Scotland, precluded the belief of his being conscientiously devoted to any other form. His habitual insincerity must perhaps in a great measure be imputed to his education under a father who placed the highest excellence of his trade—kingcraft—in shuffling, trick, and chicane, in attempting to deceive others, but being himself the dupe of his own deceit. It would be unjust however, not to allow that his conduct was unstained by very gross vice; and as from his infancy, he breathed in an atmosphere of the rankest pollution, he has been deemed virtuous, because he escaped being entirely depraved. He was an uxorious husband, an affectionate father, and a decent man. He possessed some taste for the fine arts, and his general abilities, though not of that extraordinary stamp which his eulogists pretend, were by no means despicable. His manners were cold

\* "He, Charles, was a gentleman, because of his continual misfortunes, pitied by most, and admired by many. I will not say but there are great mysteries in kings' genealogies and characters: common historians serving them as popish legendaries do their latter saints; concealing all their vices, extolling common virtues as heroick; yet I never heard his enemies blame him for the common vices of princes, except the two bastards in his youth, and his swearing in his old age." Kirkton's Hist. p. 46.

and repulsive. His person was about the middle size; his aspect grave and pale, and a weakness in his eyes, rendered it rather unpleasant.

Shortly after the execution of the king, a pious fraud was successfully practised upon the nation. While men's minds were tender at the recollection of his recent sufferings, and before they had time to recall any sterner feelings, a book entitled *Eikon Basilike*, or a Portraiture of his Sacred Majesty in his Solitudes and Sufferings, was published. Any book making its appearance in such circumstances, and ushered into the world with the strongest assurances of its being genuine, could not fail to attract universal attention; and the *Eikon* was extremely well calculated to produce an impression; the sentiments it expresses are those of pious resignation and christian charity; the views of public affairs are specious apologies for all the objectional actions of his majesty, and each meditation concludes with a prayer breathing fervent wishes for his people's happiness. It is the picture of an injured, patient, devout sufferer, the severest pangs of whose heart were those, the miseries of his people, not his own wretchedness, occasioned. The book is plausibly written, with much apparent piety and tenderness; and the royalists, who received it with more eagerness than the scriptures, compared it to the sacred writings in all the beauties of its composition, nor scarcely considered its contents as of less authority. Belief in its authenticity became soon a test of loyalty, and although Clarendon, Charles II., and the duke of York knew the cheat at the restoration, it would have been little less than sacrilege to have hinted that it was spurious. But the publication of the Clarendon Papers discovered the real author; and now that this wonderful production is incontrovertibly proved to have been the work of Dr. Gauden, it has sunk to the level of other well written ephemeral productions, which accident had raised to undue elevation, but which when the excitement is gone remain neglected.\*

\* The controversy respecting the *Eikon* is now of little importance. A detected fraud soon loses all interest. Those of my readers who may feel any curiosity about it, will find the whole fully discussed, and indisputably settled, in Laing's *Scotland*, last edition, vol. iii. p. 443, and the long note xiv. p. 565, at the end.

That the condemnation of the king was unjust has been assumed, because the court of high justice was a court unknown to the constitution of England, and unsanctioned by the proper legislature; but society in Britain had been deranged, and all its regular bands ruptured by a long and im-bittered civil war, and the act must be judged by principles applicable to the exigence of the case—a case for which there was no precedent, and to which there has never been a parallel.\* The question resolves itself thus—did the king when he took arms to coerce his parliament decide upon staking his life and his crown upon the event—that he would either be a glorious king, or a patient martyr?† if so, he knew the forfeit and had no right to complain; but to justify his opponents in exacting the penalty, in the opinion of a late great statesman, the danger of suffering him to live must have been not problematical and remote, but evident and immediate; and he pronounces that the danger, in this instance, was not of such a nature.‡ I regret to differ from so high a name as that of Fox; but the engagement with the Scots, I apprehend, completely establishes such a danger; and Charles' endeavour to raise up a new war at the very time when he was a prisoner, and in treaty with his parliament, vindicates the infliction of the last extremity. Political reasons alone were not, however, those upon which the ruling party in England defended their conduct, they pled the necessity of cleansing the land from blood, and doing justice upon the chief murderer;—they argued that the more exalted the situation of the delinquent was, the more necessary was the example—that essential justice knew no difference between the prince and the peasant—and that all law, natural, moral, and divine, required that whosoever sheddeth man's blood, by man his blood should be shed;—on this ground the presbyterians and they were agreed. The accountability of monarchs for their conduct, and the right of subjects to try, depose, or put to death their

\* The outrageous and farcical mockery of justice in France, on the trial of Louis XVI., bears no more resemblance to the solemn, serious, and unimpassioned proceedings at Westminster, than the Gallic phrenzy, which followed the former event, does to the important, beneficial, and bloodless revolution of Britain in 1688.

† His own expressions, vide p. 89.    ‡ Fox's Hist. Frag. 4to ed. p. 15.

sovereigns for the flagrant crimes of murder and tyranny, had always been asserted by the Scottish reformers, and had been acted upon in the case of this king's grandmother, whose deposition by the Scots formed an authority for the trial of her descendant, as her execution on a scaffold was the first example of royal blood being shed by the hands of a common executioner in England;\*—but the Scots, who had refused him admission into the kingdom, unless he would subscribe the covenant, and, true to their principles, opposed his restoration to liberty, or the throne upon any other terms, although they might, and most probably would have concurred with their presbyterian brethren in England in bringing Charles to an account, could not endure that “this exemplary act of substantial justice” should be performed by sectarians, and the throne at the same time overturned by republicans.

When the English presbyterians regained their ascendancy during the absence of the army, and the Scottish covenanters theirs from the defeat of the engagement, both then became anxious to secure it by a treaty with the king; and the Scottish committee of estates in reply to a letter from his majesty, by Parsons, besought him at last to hearken to the advice of his parliament in consenting to the propositions of both kingdoms, especially to those respecting the covenant and reformation of religion, which they understood to be the point he most stuck on, and to which they in interest and honour were obliged to adhere, and without which his kingdom could not be established in righteousness. Their commissioners, who followed, were instructed to hold the same language, and the hopes entertained of the king's acceding to their proposals, their want of power, and their dread of the supremacy of the army and independents, alone prevented them from proceeding to set aside Charles, and choose a more pliant substitute for the preservation of the covenant and of the monarchy. In their present depressed state, no probable means of effecting this latter object presented themselves; they, therefore, could only expect to attain the former by the preservation

\* Unless we consider the tragedies of Henry the VIIIth's wives as initiatory lessons of encroachment on the sanctity of disrowned heads.

of the king's life; and this they laboured to protect by the sole method now in their power—that of remonstrance and representation. As soon as the ordinance for his trial was passed in the commons, the Scottish commissioners sent a letter strongly urging unity of counsels and actions, according to the covenant between the two kingdoms; and that the house would not proceed to try or execute the king, until the advice of their nation was received: to this no attention was paid, and the preparations for the trial proceeded.

Meanwhile, the parliament of Scotland met, January 4th, in pursuance of the summons of the committee, and as all who had adhered to or approved of the engagement were excluded, only fourteen of the nobility were present.\* On the second day of their meeting, a letter was laid before them, from the commissioners in England, informing them of the seclusion of the members by the army, the revocation of all the votes in favour of the king, and the resolution to proceed against him as a capital offender, enclosing also a paper, entitled, *Agreement of the People*,† and stating to them, the difficult situation in which they were placed. If they remained silent at the changes which had taken place, it would be considered as an approbation or a compliance with the army upon some secret agreement; if they presented any address to such lords and commons as were permitted to remain, and acknowledged them to be the houses of parliament, it would be looked upon as injurious to the cause, and a breach of the solemn league, by which they were obliged to preserve the rights and privileges of the parliament and liberties of the kingdom, unless it were done with a salvo to the privileges of parliament, and taking notice of the force upon the house, which would be a ticklish matter; and they requested advice how to proceed in their intercourse with them.

In reply, the Scottish parliament acted consistently with their covenant. They would neither justify the king nor admit the doctrine, that princes were exempted from being brought to trial and punished; but, at the same time, they

\* Acts of the Scottish Parliament, vol. vi. p. 339.

† This Paper was drawn up by Ireton. Rushworth, p. 1359.

could not agree to set aside the ancient family, or abrogate royalty. Their instructions to their commissioners, therefore, were—to use, in their applications, the salvo suggested in their letter, that they might not seem to approve of any violence used against the parliament or any of its members—to make application to such lords and commons as were friendly, well affected, and of the honest [i. e. presbyterian] party, but in such a manner, as to give no offence to any;—to justify in no shape the king's proceedings, or actions, nor express any approbation of the late engagement;—to do nothing which might tend to create a breach, or give any grounds for a new war;—and to request that the Houses would do no violence to the king's person.\* But if they should proceed and pronounce sentence against the king, they were to enter their dissent, and protest that the kingdom of Scotland might be free of all the desolation, misery, and bloodshed, that would inevitably follow, “without offering in your resonne that princes are eximed from triale of justice”—they were to press upon them the calamities that would ensue from the king's execution, and the grievous effects it would have in Scotland, considering his delivery up at Newcastle—they were to protest against the doctrines of the people's agreement respecting toleration, and at the same time to declare the king's concessions unsatisfactory. These instructions were sent off by express to their commissioners, and the commissioners when they found every other step unavailing, on the 22d of January, sent the following protest against their proceedings under cover to the speaker of the house of commons, “By our letter of the 6th instant, we represented unto you what endeavours have been used for the taking away of his majesty's life; for change of the fundamental government of this kingdom,

\* The expressions are, “That they wold delay to medle withe the kinges persone, according to ther seurall promises and declaracione at Newcastle and Humbie house.” Balfour's Ann. vol. iii. p. 584. That my interpretation is correct, appears from all the proceedings of the commissioners: they did not insist upon “delay,” a mere deferring, but “a delay to medle withe,” —a total abstaining from hurting.

† Acts of the Scottish Parliament, vol. vi. p. 540. Balfour's Mem. vol. iii. p. 584.

and introducing a sinful and ungodly toleration in matters of religion, and therein we did express our sad thoughts and great fears of the dangerous consequences that might follow thereupon; and further, we did earnestly press that there might be no proceeding against his majesty's person, which would certainly continue the great distractions of these kingdoms, and involve us in many evils, troubles, and confusions. But that by the free counsels of both houses of the parliament of England, and with the advice and consent of the parliament of Scotland, such course might be taken in relation to him, as may be for the good and happiness of these kingdoms, both having an unquestionable and undeniable interest in his person as king of both; which duly considered, we had reason to hope should have given a stop to all proceedings against his majesty's person. But we understand that after many members of the house of commons have been imprisoned and secluded, and also without and against the consent of the house of peers, by a single act of yours alone, power is given to certain persons of your own number, of the army, and some others, to proceed against his majesty's person; in order whereunto, he was brought up on Saturday last in the afternoon before this new extraordinary court. Wherefore, we do, in the name of the parliament of Scotland, for their vindication from false aspersions and calumnies, declare, that though they are not satisfied with his majesty's concessions in the late treaty at Newport in the Isle of Wight, especially in the matter of religion, and are resolved not to crave his restitution to his government before satisfaction be given by him to his kingdoms, yet they do all unanimously with one voice—not one member excepted—disclaim the least knowledge of, or accession to the late proceedings of the army here against his majesty, and sincerely profess that it will be a great grief unto their hearts, and lie heavy upon their spirits, if they shall see their trusting of his majesty's person to the honourable houses of the parliament of England to be made use of to his ruin, so far contrary to the declared intentions of the kingdom of Scotland, and solemn professions of the kingdom of England. And to the end it may be manifest to the world how much they abominate and detest so horrid a design against his majesty's person, we do in the name of the parlia-

ment and kingdom of Scotland, hereby declare their dissent from the said proceedings, and the taking away of his majesty's life; and protest, that as they are altogether free from the same, so they may be from all the evils, miseries, confusions, and calamities that may follow thereupon to these distracted kingdoms." This protestation was as little attended to as the former letter; but to evince the sincerity of their efforts to preserve the king's life, they made application to lord Fairfax, and to Cromwell, to interpose their influence to save him; and on the very day preceding the execution, they sent earnest and pressing letters to both, to try if even then they would interpose with the council of war to avert the impending stroke. Their address to Fairfax, I copy, as it goes entirely to refute the idle stories respecting that general's using strenuous exertions in favour of the unfortunate monarch. The Scottish commissioners had previously, it would appear, importuned him without effect; nor did this last pathetic appeal to his humanity and honour make any greater impression. " May it please your excellency, we have divers times waited on you to solicit your endeavours for preservation of his majesty's person; and now, having received particular directions from the estates of the parliament of Scotland to make application to your excellency for the same end, we do, in their names, earnestly desire and entreat thee, that you will take into serious consideration that the kingdom of Scotland hath undoubted interest in his majesty's person; and how hard a thing it is to proceed against the king, not only without, but against their advice and consent; that his person was intrusted by that kingdom to the honourable houses of parliament; and how much it will reflect upon the honour of Scotland, and the faith of England to take away his life. Be pleased, also, to remember the many ties and bonds of love and friendship betwixt the kingdoms, their solemn engagements in one cause and covenant, and the many obligations and mutual good offices which have passed betwixt the kingdom of Scotland and the forces under your command; consider what an unsettled peace it is likely to prove, which shall have its foundation laid in the blood of our king, what dangerous evils and grievous calamities it may bring upon us and our posterity, what reproaches upon religion and

the work of reformation, and what infamy abroad in other nations. And let it never be recorded to future ages that you have been wanting in your duty at such a time as this, but according to the eminency of your place, honour, and dignity, and the greatness of your interest, improve this present opportunity by all lawful ways and means, to prevent the taking away his majesty's life; wherein we do also earnestly entreat the concurrence of your council of war." Their letter to Cromwell was not less importunate; but with him they had not the common grounds of such urgency as with Fairfax, as he was an open and avowed sectary, and Fairfax was still regarded as the most powerful of the presbyterians. What the Scottish parliament could do they did; they fully approved of all these proceedings of their commissioners, and had the English parliament been free, they could not have been acquitted of want of faith towards the Scots in bringing the king to any trial, to which the latter were not parties; but the evident immediate cause of the whole was that unhappy engagement which ruptured the treaties between the two nations, and by dividing the presbyterian Scots among themselves, rendered them unfit for acting as armed mediators between the two parties in England, for being efficient allies to their presbyterian brethren, or for resisting the power of the sectaries, and reduced them to the state of a dependant nation, before the recall of the second Charles rendered them a conquered one.

With an account of the fate of Hamilton, who was the principal actor, and who was doomed to expiate his errors on the scaffold, I shall close this book. He had after his surrender been confined prisoner in Windsor; but when he heard of the trial and execution of Charles, he immediately began to fear for himself, and projected with his faithful servant Cole, an escape from his confinement. Having gained his keeper, it was arranged that a trusty person should wait with two horses at night for him in Windsor, with which he was to fly to London, but not to enter the city till seven o'clock in the morning—guards being always set during the night—when Cole was to meet him and carry him to a secure house:—all succeeded as they could wish. At night, about the time of shutting the gates, the duke made his escape fairly out of the castle without

suspicion, and came to the place appointed, where the man and horses were stationed; here, unfortunately, he would not wait till day, but proceeded immediately to Southwark, thinking to have got to a friend's house, and, as if there had been a fatality in it, a party of horse and foot were that very night patrolling Southwark in search of two other royalists who had made their escape the night before. Some of these meeting the duke in the street about four o'clock in the morning, apprehended him. When examined, he told them a plausible story, which at first satisfied them, but observing, as he smoked a pipe, that he burned some large papers to light it, they searched his pockets, and from others he had about him, discovered the quality of their prisoner. He was carried to St. James', and, in consequence of this abortive attempt, was ordered by the commons to be brought to speedy trial.

A court of justice was instituted, February 6th, of which Bradshaw was president; and Cooke, who had acted as solicitor on the trial of the king, appeared in the same capacity against the duke. He was arraigned under the title of earl of Cambridge, for traitorously invading England in a hostile manner, and levying war to assist the king against the kingdom and people. The duke refused to acknowledge the jurisdiction of this court as being a foreigner, a native of Scotland, born before the naturalization of his father. At the same time he represented that he was invested with the command of the army by the parliament of Scotland, for ends which he thought good and justifiable, and not intended to interrupt the peace and happiness of these dominions, which yet he had earnestly endeavoured to decline, but his wishes being over-ruled, he durst not disobey without incurring the highest censure; he also pled that having surrendered himself upon articles, he could only be considered as a prisoner of war, his life being guaranteed to him by these articles. Matthew Hailes, afterward the celebrated lord chief justice of the king's bench, who conducted his defence, contended that no man could be held subject to two hostile kingdoms at the same time, and in any such case, where his allegiance was demanded, it was due of right to his native land; that by acting hostilely to his adopted country, he might forfeit his honours, or his pro-

perty in it, but could never be deemed a traitor. To this it was answered, that Hamilton had sat in the English parliament as earl of Cambridge, and on his entering England he joined with Langdale, an English traitor. Hailes argued, that to assist the king could never be treason; Cooke replied, it was so by act of parliament. The articles of capitulation were then urged; but by a most disingenuous mode of reasoning their violation was justified, as if they had been only military terms to protect him from the immediate violence of the soldiery, and not to secure him against the civil punishment of a traitor. Were it not that in times of civil dissension little regard is paid to what, in the ordinary course of justice, would be deemed unanswerable arguments, we would be astonished that such valid objections did not prevail; but to have allowed the duke to escape when the king had suffered, would, it was imagined, have been impugning the former proceedings, and, therefore, all objections were over-ruled, and he was found guilty of treason; at least it is difficult to conceive any other cause for his condemnation as a traitor, seeing he owed no allegiance to the parliament of England incompatible with obedience to the highest judicature of his native country. His sentence was remitted to the house of commons; but a majority voted it should be carried into execution. He died with intrepidity, denying the justice of the sentence by which he suffered, and protesting his innocence with regard to those calumnies which were spread against him, representing him as having wavered in his loyalty to his king, or with having ever deserted the cause of his country.\*

He was a man ill fitted for the arduous situation in which he was placed, and his vacillating politics, which aimed at reconciling parties who were irreconcilable, contributed to augment the distractions of a divided people; but his ready subservience to forward the views of the king, even when at variance with his own judgment, and when evidently

\* That era was an age of predictions. The duke of Hamilton was lured to his doom also by a prediction: a witch told him, says Wishart, that king Charles I. would be executed, and he would be his successor; and so he was—on the scaffold! Mem. of Montrose.

tending to involve his country in bloodshed, and erect unlimited monarchy on the ruins of her freedom, entitle him to little praise. His natural temper was amiable, and his greatest faults arose from a deference to the opinions of others, which, however agreeable in a companion, is destructive of that energy of character which is called for in days of peril; and in a statesman, placed in the station of a leader, is ruinous alike to himself and the state, if his lot be cast amid the conflict of parties, and the contending clash of civil warfare.

THE

## HISTORY OF SCOTLAND.

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### Book XI.

THE estates were sitting when the news of the king's execution reached Scotland; they had met in the beginning of the year, [January 4th, 1649,] and, probably anticipating some such critical dilemma, had adopted several measures the most likely to sooth the ruling party in England, and secure a majority of those in their own, who were inclined to preserve peace with their neighbours, with whom, in the present exhausted state of the country, it was evident madness to contend. An act was introduced and passed, repealing all acts of parliament or committee made for the late unlawful engagement, and ratifying the protestation against it; and another, THE ACT OF CLASSES, for purging the judicatories and other places of public trust. This last proceeded upon a preamble, which the history of Scotland was doomed wofully to exemplify, that "the corruption of the judicatories of the kingdom and officers of estate, and other persons of public trust, had been the cause and fountain from whence all their evils had proceeded;" and in order to confirm the assurance given by the committee of estates unto the kingdom of England, that they would not admit any of the authors or abettors of the late engagement to any public place, or trust, without the consent of that kingdom against which their engagement was. It declared, that all officers of state, members of parliament, lords of session and justiciary, and all public functionaries, descending even to deacons of corporations, should be secluded from public trust, according to the scale of their delinquency, as settled by the classification from

which the act derives its name. Class first—All who had been the chief plotters and prime promoters of the late unlawful engagement, and all who as general officers led or accompanied the army into England, and all who were chief actors and promoters of the horrid rebellion of James Grahame, and who had afterwards accepted of charge, or joined as volunteers in the expedition. These were for ever to be rendered incapable of any place of trust. Class second—All not comprehended in first class, who have been formerly censured for malignancy, and since, either accepted of charge, or joined as volunteers in the engagement, who were officers in the expedition; all who concurred in petitions, protestations, letters, or remonstrances, for moving the parliament or committees to carry on the engagement; and all who concurred, as members or clerks, in acts of parliament and committee of estates, for prosecuting the said engagement, and pressing others thereto. These were to be excluded, for ten years, from all public employments; and further, until they had given sufficient evidence of the change of their malignant principles and practices, and of their firm resolution and affection to promote the ends of the covenant in all times of subsequent trial, whereof the judicatories of the church and state, respective, having power for that effect, are to judge impartially, as in God's sight, and have given satisfaction to the kirk and to both kingdoms, so far wronged by them. Class third—All not included in first and second classes, who sat in parliament and committee of estates, and gave no public testimony against the engagement, or who, in committees of war or other meetings, refused or opposed the desires of any petitions against the engagement, or concurred in acts to force dissenters, petitioners, and others, to comply with the first or second levies. These were to be excluded five years, and further, till they gave evidence of their change of principles. Class fourth—which would come with sweeping effect in modern times—included all persons given to uncleanness, bribery, swearing, drunkenness, deceiving, or are otherwise openly profane, and grossly scandalous in their conversation, or who neglect the worship of God in their families. These were to be excluded for a year, and further, till they gave sufficient evidence of their firm resolution and constant endeavour for a good and

christian conversation.\* Could this act have been effectually carried into execution, it would probably have prevented for a while the war with England, and might have originated a species of theocratic oligarchy in the country.† But the numbers comprehended under its penal enactments, rendered it impossible, for any length of time, to put it in execution: it aimed at too much, and was eventually the occasion of the loss of all. The earls of Lauderdale and Lanark, [now Hamilton,] comprehended under the first class, escaped to Holland, and joined prince Charles, then lurking there; and they were afterward followed by a number of others, who urged a terrible retaliation when they returned in the train of the king at the restoration. Meanwhile, it effected the object of securing a majority for the covenanters, and evinced a strong desire, on the part of the Scottish politicians, to conciliate; till the king's death raised such an universal burst of sympathetic feeling, that whatever might be their views of the advantage of the country, they were under the necessity of complying with its passion. The opinion of the Scottish nation was ever monarchical, and in all their disputes about liberty, they never once suggested the possibility of a republic; their covenants in the most solemn manner, recognised the principle, and the people, although they discarded the personal *jus divinum* of a king, had never denied the divine authority of kingly government, when exercised according to the word of God, and the constitution of the country. The English sectaries, on the other hand, discarded at once both king and royalty, and thus added another point of difference to their growing dissensions with the presbyterians.

Had the Scots at this moment possessed the power, there can be little doubt but that they would immediately have de-

\* It might be an amusing speculation to calculate the operation of this last class of disqualification for office at present, (1825,) commencing with the great council of the nation, and carrying it on through all the public bodies, down to the deacons of close corporations.

† It is not probable, however, that peace could have been of any long duration, had the clerical power overtopped that of the civil, as the promoting of uniformity might then have produced as bloody, as that of liberality does now bitter contests.

clared war against the republicans: but the exhausted state of the country forbade any such attempt, and the only alternative that remained, was to proclaim the son of the unfortunate monarch king in his stead. The party, however, who now predominated in parliament, at the head of which was the marquis of Argyle, and Sir Archibald Johnston of Warriston, had a just dread of the principles of the young king, and were anxious to guard, as far as it was possible, against his being placed in a situation to overturn the ecclesiastical establishment, or introduce the despotic maxims of his father; and in their proclamation, while they recognise his hereditary right to the succession, they state the conditions upon which alone he could be allowed to succeed. “The estates of parliament of the kingdom of Scotland, most unanimously and cheerfully, in recognition and acknowledgment of his [Charles, prince of Scotland and Wales,] just right, title, and succession to the crown of these kingdoms, proclaimed and declared to all the world, that the said lord and prince Charles, was, by the providence of God, and by the lawful right of undoubted succession and descent, king of Great Britain, France, and Ireland, whom all the subjects of that kingdom were bound humbly and faithfully to obey, maintain, and defend, according to the national covenant, and solemn league and covenant betwixt the kingdoms, with their lives and goods, against all deadly, as their only righteous sovereign, lord, and king; and because his majesty is bound, by the law of God, and fundamental laws of this kingdom, to rule in righteousness and equity, for the honour of God, the good of religion, and the wealth of his people, it was also declared that, before he be admitted to the exercise of his royal power, he shall give satisfaction to this kingdom in all the things that concern the security of religion, the union betwixt the kingdoms, and the good and peace of this kingdom, according to the national covenant, and the solemn league and covenant, for the which end we are with all possible expedition to make our humble and earnest addresses to his majesty.”

## CHARLES II.

John, earl of Loudon, as chancellor, dressed in a robe of black velvet, read the proclamation [February 5th,] at the Cross of Edinburgh, and the Isla and Snawdon heralds sounded the trumpets; but the solemnity was sad and mournful—the recollection of the past was dismal, and to the wise and the reflecting, the coming was anticipated with forebodings still more gloomy.

Parliament, meanwhile, proceeded to guard, as well as human sagacity could, that constitution for which they had so strenuously struggled, and for which they now so justly trembled; they, therefore, enacted, as several of those who were with the king, had declared their disavowal of this present as a legal parliament, “that before the king’s majesty, who now is, or any of his successors, shall be admitted to the exercise of his royal power, he shall by, and atour the usual coronation oath, assure and declare by his solemn oath, under his hand and seal, his allowance of the national covenant, and of the solemn league and covenant, and obligation to prosecute the ends thereof in his station and calling, and that he shall for himself and his successors consent to agree to acts of parliament enjoining the same, and fully establishing presbyterian government, the Directory of Worship, Confession of Faith, and Catechisms, as they are approven by the general assembly of the kirk and parliament of this kingdom, in all his majesty’s dominions. And that he shall observe these in his own practice and family, and that he shall never make any opposition to any of these, or endeavour any change thereof.” And also ordained, “that before the king should be admitted to the exercise of his royal power, he should leave all counsel and counsellors prejudicial to religion and the covenants, and give satisfaction to his kingdom, as it is now constitute, in what further should be found necessary for the settling of a happy and durable peace, preservation of the union between the two kingdoms, for the good of the crown, and for his own honour and happiness; and should consent and agree that all civil matters should be

determined by the parliament of the kingdom, and all ecclesiastical matters by the general assembly of the kirk."

Whether the Scottish parliament really conceived that it would be possible for them to maintain peace with the English, when they recalled Charles to the Scottish crown while they proclaimed a commonwealth, is an inquiry rather of curiosity than of importance ; but this is certain that some of the presbyterians really expected that the taking of the covenants would act like a magical charm, not only upon the individual himself, but upon the nations, that it would produce in the prince a complete renovation of character, and a perfect unanimity and uniformity throughout the whole population of the islands attached to that form. Others were not so sanguine, and in the strict and harsh conditions which they proposed as the price of the crown, entertained a secret wish that Charles would reject them. The terms were evidently such as left the king nothing but the name, and which nothing but extreme necessity would ever induce him to accept. Yet his early education, his dissolute habits, and the companions by whom he was surrounded, left to the presbyterians no alternative : happy had it been for them, if, at a future period, they had not run to the opposite extreme.

In this parliament, also, patronage in the kirk was abolished, the restoration of which has been accompanied with so much dissension ; but, while a national church is established, and its emoluments secured by law, it is difficult to say, whether the universal suffrage of seat-holders in choosing a minister, or the simple nomination of an incumbent to the living by a patron, be most detrimental to the interests of real religion in a parish,\*

\* The precision of the act deserves notice. " Considering that patronages, and presentations of kirks, is an evil and bondage under which the Lord's people, and ministers of this land have long groaned ; and that it hath no warrant in God's word, but is founded only on the canon law, and is a custom merely popish, and brought into the kirk in time of ignorance and superstition. And that the same is contrary to the second book of discipline, in which upon solid and good ground, it is reckoned among abuses that are desired to be reformed, and unto several acts of general assemblies. And that it is prejudicial to the liberty of the people, and planting of kirks, and unto the free calling and entries of ministers unto their charge. And the said estates being willing and desirous to promote and advance the reformation foresaid, that

Intimation of their procedure was immediately transmitted to London, to the Scottish commissioners, by the estates, with instructions to present a remonstrance against that party which now assumed the supreme authority in England. In obedience to their orders, the commissioners gave in a long paper to the lower house, narrating the origin of the solemn league, the success which had attended the union of the two nations under that bond; declaring the adherence of the Scots still to its principles, and protesting against their violation by the English commons; who, in opposition to their dissent and protestation, had removed his majesty by a violent death, published acts prohibiting Charles Prince of Wales from being proclaimed king, and, after many members of that house had been imprisoned or excluded by force, had voted away both the kingly office and the house of lords, claimed the authority of a parliament, and, under the colour of that authority, arrogated the power of repealing all oaths of allegiance or obedience whatsoever, not excepting the covenant, from which no power on earth could absolve the conscience.—“If,” added they, “the honourable houses of the parliament of England who made the declarations and engagements with us, had been permitted to sit and act with freedom, we know there would have been no such proceedings as we have already seen, nor cause to fear such dangerous evils and strange alterations as are now carried on by will and power. We may confidently say, they would have been more mindful of their many declarations, and of the solemn league and covenant, and more ready to hearken to the advice of their brethren in Scotland; and, however, no regard hath been had by those

every thing in the house of God may be ordered according to his word and commandment.” “Doe discharge for ever hereafter, all patronages and presentations of kirks, whether belonging to the king, or to any laicke patron, presbyteries, or others within this kingdom as being unlawfull and unwarrantable by God’s word, and contrary to the doctrine and liberties of the kirk;” and “ordained that whosoever hereafter, shall upon the suit and calling of the congregation, after due examination of their literature and conversation, be admitted by the Presbytery, unto the exercise and function of the ministry of any parish that the said person, or persons, without a presentation, by virtue of their admission, hath sufficient right and title to enjoy the manse and glcibe.” &c. &c

who now rule to what we have formerly said, and so we have small hopes that any great notice shall be taken of what we shall further say: yet, in pursuance of the instructions we have received from the parliament of Scotland, we hold it our duty to desire that there be no toleration of idolatry, popery, prelacy, heresy, schism or profaneness—that there may be nothing done which may wrong king Charles II. in his succession, as righteous heir of the crown of these kingdoms; but that, by the free counsels of both houses of parliament, reformation of, and uniformity in religion may be settled according to the covenant: and particularly, that presbyterian government, the Confession of Faith, and Directory for Worship, may be established—that the just right and title of the king, Charles II. to the crown of these kingdoms may be acknowledged, and, upon just satisfaction given to both kingdoms, he may be received and admitted to the exercise of his government; and if, notwithstanding all our earnest desires and endeavours to the contrary, the commons now sitting at Westminster shall proceed otherwise, in all or in any of these particulars aforesaid, we do hereby, in the name of the parliament and kingdom of Scotland, dissent from the same, and solemnly protest, that they may be free before God and man of the guiltiness, evils, confusions, miseries, and calamities, that may follow thereupon to these distracted kingdoms."

Immediately upon delivering their protestation to the speaker, the commissioners left London without taking leave, and proceeded to Gravesend, to depart for Holland, on an embassy to the king, in obedience to the order of the estates: but the commons, on the letter being communicated to them, sent a private guard, who arrested them as they were about to embark, and confined them prisoners to the Blockhouse. They also voted "that the paper of the Scottish commissioners did contain much scandalous and reproachful matter against the just proceedings of the parliament, and an assuming, on the behalf of the kingdom of Scotland, power of the laws and government of England, to the high dishonour thereof; that the design of its contrivers and subscribers was to raise sedition, and lay the grounds of a new and bloody war in the land, and to second their late perfidious invasion; and that

all persons in England and Ireland who should join with or assist the said contrivers or subscribers, on the grounds laid in that paper, were traitors and rebels, and should be proceeded against as such."

A copy of this insulting act was sent to the parliament of Scotland, desiring to know if they would acknowledge and adhere to the protest of their commissioners. The Scottish parliament returned a dignified and temperate reply, owning the paper as agreeable to their instructions. "They could not," they said, "but give testimony against these things which they conceived to be contrary to the grounds and bonds, so often acknowledged and declared by both kingdoms, lest their silence should be esteemed a compliance, or they thought in any way accessory to those great alterations, and the dangerous consequences that might ensue." "They, at the same time, disclaimed all intentions to assume any power over the government and the laws of that kingdom, or any wish to raise sedition or war, or do any thing in pursuance of the late unlawful engagement. They only adhered to their former principles, acknowledged by both kingdoms. And so tender were they of the union between the nations, that they thought remonstrances against the breaches of peace craving just reparation, and all amicable and fair means should be first, and before any act of hostility commenced, which, according to the large treaty, could not take place without three months' previous notice: and, however any prevalent party in either kingdom had infringed, or might break these bonds, they did not think it either agreeable to God's will, or conducive to the welfare of the nations, to lay these sacred ties aside as dissolved and cancelled; but rather, that they should be preserved for the good of both kingdoms, the benefit of those who had no accession to such breaches, and of succeeding generations. But while they hoped that none could justly blame them for their continuing constant in their former judgment and principles, they conceived that could far less be any ground for restraining their commissioners, contrary to the public faith, and the law of nations, by which the freedom of ambassadors and commissioners is sacred and inviolable, not only betwixt, but even amongst heathen king-

doms and states : they, therefore, desired that their commissioners might be freed from all restraint, and allowed to return in what way they thought fit." On receipt of the Scottish parliament's communication, the English house of commons added insult to injury, instead of bending to conciliatory measures, and allowing the commissioners to proceed, as they were bound to do, by any route they chose, they sent them with a troop of horse to Berwick, and dismissed them unceremoniously at the bound-road.\*

Standing in the most delicate and trying situation possible, the Scottish covenanters displayed a magnanimous affection for the race of their hereditary monarchs, which had been meritorious, had it not been so wretchedly misplaced. They immediately despatched a messenger, Sir Joseph Douglas, to Charles, at the Hague, where he then was, to announce his proclamation, and inform him that commissioners from the parliament and the kirk, were speedily to follow with the conditions of his recall. These commissioners were the earl of Cassils, the laird of Brodie, Mr. Alexander Jeffray, baillie of Aberdeen, and Robert Barclay, provost of Irvine, from the state, and Mr. Robert Baillie, and James Wood, ministers, and George Winram of Libberton, ruling elders from the kirk. They found Charles surrounded with counsellors, whose views were more accordant with his inclination, and while he received the deputation politely, and affected to enter into confidential conferences, flattering them by the deference with which he seemed to listen to them ; he was encouraging more sincerely, the plans of those who promised to replace him on the throne of his fathers, in unshackled plenitude of power. Ormond and the Catholics still held out in Ireland, where a transient gleam of success, was urged by his English advisers, as a fortunate omen, and he had consented to embark and put himself at their head. Montrose undertook with his usual extravagance, to establish his throne by arms, and received a commission to levy troops for a descent. Lanark, and Lauderdale, although banished their country by the act of classes, recommended acceding to the propositions of the commission-

\* Scottish Acts, vol. vi. Whitelock, p. 578, et seq.

ers; but Charles, who intended to answer them from Ireland, procrastinated till the time allowed them had expired, and they returned to Scotland without an answer. Charles himself was soon after obliged to leave Holland on account of the assassination of Dorislaus, the English ambassador by the emissaries of Montrose,\* and renounce all hope from Ireland, where the victorious Cromwell had extinguished the last flashes of loyalty.

Pending the negotiations, the ultras with that steady perversity which ever marked their measures, were active for the unconditional reception of their master: with premature and irregular zeal, they excited mutiny in the garrison of Stirling, while their partisans in the north flew to arms, and seized upon Inverness;† the insurgents were directed by lieutenant general Middleton, and consisted of the Mackays, with lord Rea at their head, and the Mackenzies, under Pluscardine,

\* Deliberate, revengeful assassination was acted upon, and justified at this time by the royalists, as a sacred duty they owed to their religion, the memory of their martyred king, and their loyalty to his hopeful successor. Besides the mean, unmanly murder of Dorislaus, committed under the immediate superintendence of Montrose, and almost in the presence of the king, a more atrocious one was perpetrated on Mr. Ascham, at Madrid, by five Englishmen. They obtained admission to him while at dinner, and in the act of receiving them courteously, one of them struck him to the heart; the Spaniard who sat with him at table, in trying to escape, was also stabbed in four places, and died immediately. The assassins, glorying in the deed, sought refuge in a church; and when taken from it by order of the Spanish king, declared they would have murdered the resident in the royal presence, if they had had no other opportunity. Thurlow, vol. I. p. 150. Another more indefensible still, as originating solely from a principle of the most cool, systematic revenge, was, after the restoration, committed in Switzerland, upon a defenceless, wandering exile, John Lisle, Esq. at Lausanne, (Ludlow, p. 398.) whose widow was doomed to a melancholy fate, even exceeding in guilt, by Judge Jeffries. Vide Hume's Hist. vol. viii. Yet writers who pass over, as trivial matters, these systematic assassinations by the adherents of Charles, know no terms sufficiently strong to mark their abhorrence of archbishop Sharpe's unpremeditated murder, by men goaded to madness by oppression, whose unmerited sufferings met with no sympathy, and whose wrongs were denied all redress.

† This rising was with the knowledge of the king, who following up his father's fatal politics, imitated him in the multiplicity, as well as in the perfidy of his plots. Vide Letters to Mackenzie of Pluscardine. Appendix to Wishart's Mem. of Montrose, No. xii.

they kept possession of the northernmost districts from the month of February till May, when a party, sent against them by lieutenant general Leslie, under the immediate command of colonel Kerr, and lieutenant colonels Hackett and Strachan, attacked and routed them, with a loss of between sixty and eighty killed, and nearly eight hundred taken prisoners, among whom were lord Rea, the chief of his officers, and several gentlemen of the clan Mackenzie, who were sent to Edinburgh.\* These unconnected and ill concerted measures, were only productive of mischief, and hastened the fate of the marquis of Huntly, who was about this time executed in pursuance of a former sentence. He had refused, it was said, to come out when the Hamiltons were in power, without a trial, and now all the influence of Argyle, his brother-in-law, was insufficient to avert his fate. He had been turbulent, was powerful, and had uniformly supported the highest pretensions of the king. His own religion was professedly episcopalian. “But the most of his children,” says his historian, “through the iniquity of the times, turned popish.”†

When the general assembly met [July,] they followed up the measures of the parliament against the engagers, by ecclesiastic censures; and at the same time “issued a seasonable and necessary warning, concerning the present and imminent dangers, and the duties connected with the state of the kingdom,” in it the members avowed their loyalty, lamented the events which had taken place in England, declared their enmity to the malignants, and bewailed that through their influence, the king had hitherto been prevented from granting the just desires of the church and kingdom, for securing religion, and the liberties of the people: they professed it to be their duty to use every effort for extricating him from the snare of evil counsel, and stated their determination, probably in allusion to the repeated projects of Montrose, to resist and oppose his majesty, or any, having, or pretending to have commissions from him, should they invade the kingdom under pretext of establishing him in the royal power, and they called

\* Scottish Acts, vol. vi. Balfour, vol. iii. p. 406, et seq.

† Gordon’s Hist. of the House of Gordon, vol. II. p. 575.

public attention to principles which reflect equal honour on the wisdom and patriotism of the ministers, nor will suffer by comparison with the most enlightened political axioms of any period. “1st, That as magistrates and their power are ordained of God, so are they, in the exercise thereof, not to walk according to their own will, but according to the law of equity and righteousness, as being the ministers of God, for the safety of his people.” “Therefore,” they add, “a boundless and unlimited power is to be acknowledged in no king or magistrate; neither is our king to be admitted to the exercise of his authority, as long as he refuses to walk in the administration of the same, according to this rule, and the established laws of the kingdom. 2d, That there is a mutual obligation and stipulation betwixt the king and his people. As both of them are tied to God, so each of them are tied one to another, for the performance of mutual and reciprocal duties. 3d, That arbitrary government, and unlimited power, are the fountains of all the corruptions in church and state. 4th, That it is no new thing for kingdoms to preserve themselves from ruin, by putting restraint upon the exercise of the power and government of those, who have refused to grant the things that were necessary for the good of religion, and the people’s safety.” In the same manly and rational strain they addressed a letter of similar import to the king.

Expelled from Holland, Charles proceeded to France, but his reception was cold and ungracious, and after condoling with his mother at St. Germains, over their common misfortunes, he sought a retreat in Jersey, convinced that no prospect remained of obtaining a throne, but from Scotland. Thither the Scottish parliament despatched Sir George Winram to renew their negotiations upon the same conditions as those formerly transmitted to him at the Hague. He was received graciously, and a favourable answer given. From Jersey, the king removed to Breda, where early next year, the treaty for his return was concluded by the earls of Lothian and Cassils, notwithstanding the strong remonstrances of his English counsellors, who perceiving themselves excluded from any share in the government, would rather that their prince should have continued the wandering phantom of a king, de-

pendant upon the bounty of others, than have seen him ascend a throne, from whose precincts they were forbidden. Lauderdale with more political sagacity, urged the hopelessness of his situation, the absurdity of sacrificing his crown to the mitre, and the strong probability of his being able when in the country, to get the harshness of the terms smoothed down; and the effects which his reception in Scotland would have upon the loyal adherents of his family in England, with whom it would be much easier to hold communication, who would acquire additional confidence from his proximity, and be prepared to rise, in case of hostilities between the two kingdoms, which he certainly prognosticated would be the consequence of his majesty's landing in Scotland. While Charles, however, acceded to the force of these arguments, with a duplicity hereditary in his race, he urged Montrose to accelerate his preparations for a descent, the only way left in which that nobleman could hope to obtain footing in his native country, or serve his sovereign, the governing powers being wholly irreconcilable to him, as the author of some of their most severe calamities, and labouring under the malediction of the church.\*

\* At his departure for Holland, Charles sent the following letter, which fully justified the worst suspicions of the covenanters, exhorting him not to allow the treaty to interrupt his preparations, as he could at any time break it, having addressed his reply to the estates in so equivocal a manner, that whenever he found it convenient, he could disavow that he had ever acknowledged their legality:—" Right, trusty, and entirely beloved cousin, we greet you well. An address having been made to us from Scotland by a letter, whereof we send you a copy, in which they desire that we should acknowledge their parliament, and particularly the two last sessions of it, and, thereupon, offer to send a solemn address to us, for a full agreement; we have, in answer thereunto, returned our letters to them, a copy whereof we likewise send you here enclosed, by which we have appointed a speedy time and place for their commissioners to attend us; and to the end you may not apprehend that we intend, either by any thing contained in these letters, or by the treaty we expect, to give the least impediment to your proceedings, we think fit to let you know, that as we conceive that your preparations have been one effectual motive that has induced them to make the said address to us, so your vigorous proceedings will be a good mean to bring them to such moderation in the said treaty as probably may produce an agreement, and a present union of that whole nation, in our service. We assure you, therefore, that we will not, before or during the treaty, do any thing contrary to that power and authority which we have given you by our commission, nor consent to any

The marquis whose ambition was inflamed by some wizard's prophecy, that his arm was destined to work the deliverance of his country, and fix the tottering fortunes of the throne, was not backward. Before the treaty was ratified, which Charles artfully kept open, till he should hear of the success of his attempt, having obtained a little eleemosynary aid from Sweden and Denmark, he had assembled a small band of foreigners and Scottish exiles, and set sail from the Elbe, for the Orkneys, early in the spring. Here he continued for a considerable time, and increased his army, by forced levies, but the men were heartless in the cause, and unaccustomed to warlike habits; what he gained in numbers, he lost in strength, by the confusion an undisciplined rabble necessarily occasions in military movements. He disembarked at the extremity of Caithness, but instead of receiving any accession to his force, the inhabitants who had heard of his former

thing that may bring the least degree of diminution to it; and if the said treaty should produce an agreement, we will with our uttermost care so provide for the honour and interest of yourself, and of all that shall engage with you, as shall let the whole world see the high esteem we have of you, and our full confidence in that eminent courage, conduct, and loyalty, which you have always expressed to the king, our late dear father, of blessed memory, and to us both, by your actions and sufferings for our cause. In the meantime we think fit to declare to you, that we have called them a committee of estates, only in order to a treaty, and for no other end whatever; and if the treaty do not produce an agreement, as we are already assured that the calling of them a committee of estates in the direction of a letter, doth neither acknowledge them to be legally so, nor make them such, so we shall immediately declare to all our subjects of Scotland, what we hold them to be, notwithstanding any appellation we now give them, thereby to satisfy them and the whole world, that we desire to reduce our subjects of that kingdom to their due obedience to us, by our just and honourable condescensions, and by all endeavours of kindness and favour, on our part, rather than by war and hostility, if their treasonable demands do not necessitate us to that, as the only way and remedy left us.—We require and authorize you to proceed vigorously and effectually in your undertaking, and to act in all things in order to it as you shall judge the most necessary for the support thereof, and for our service in that way, wherein, we doubt not, but all our loyal and well affected subjects of Scotland will cordially and effectually join with you, and by that addition of strength, either dispose those that are otherwise minded to make reasonable demands to us in the treaty, or be able to force them to it by arms, in case of their obstinate refusal. Communicate and publish this our letter to all such persons as you shall think fit."

ravages, fled at his approach, and spread universal dismay throughout the country, by their reports of the foreigners who accompanied him. As he advanced, he endeavoured to arouse the people by a violent proclamation, accusing the ruling party, “ Of having most infamously, and beyond all imaginable expression of invincible baseness, to the blush of christians, and abomination of mankind, sold their sovereign over to their merciless fellow-traitors to be destroyed,” and of being so little touched with the guilt of all these villanies, as to begin with his majesty upon the same scores they left with his father, declaring him king with provisos.” At the same time, affecting to despise them as a small and insignificant party, he promised his majesty’s pardon to all who had been deluded by them, excepting only the accessories to the horrible fact of his father’s murder, and called upon all who had any duty left them to God, their king, country, friends, homes, wives, children, or would change the tyranny, violence, and oppression of the rebels, for the mild and innocent government of their just prince, or avenge the execrable murder of their sacred king, to come as christians, subjects, patriots, friends, husbands, and fathers, and join in that present service, resolving, with Joab, to play the men for their people, and the cities of their God ! The committee of estates, with even greater virulence, answered, “ The slanders and groundless reproaches of that viperous brood of Satan, James Graham, whom the estates of parliament had long since declared traitor, the church delivered into the hands of the devil, and the nation generally detested and abhorred.” But before these mutual recriminations were exchanged, the fate of Montrose was decided. Government had expected the invasion, and ordered Strachan, with a body of horse, to oppose his progress, till general Lesly, with the remainder, and Holborn, with the foot, should arrive. Montrose proceeded slowly without cavalry through the plain country ; but on hearing of the enemy’s approach, advanced to gain the pass of Invercarron. Strachan had previously advanced beyond it, with his force divided into three bodies ; the first was repulsed by Montrose in person, who led his own van ; but when the second, headed by Strachan himself, sounded the charge, the islanders, terrified at the horse, threw down their arms, and

called for quarter. The Germans retreated to a wood, where, after a short defence, they surrendered; and but few of the whole army escaped being killed or made prisoners. The standard of Montrose—which, in imitation of that carried before the unfortunate Mary, had the portrait of the late decapitated king, with the same motto, “judge and revenge my cause, O Lord,”\*—was found on the field, together with his cloak and star, his sword, and the garter with which he had been lately invested. The marquis himself, when he saw that the day was irrecoverably lost, after he had got clear of immediate pursuit, exchanged clothes with a Highlander, and wandered among the hills for several days, till, exhausted by hunger, he threw himself upon the generosity of Macleod of Assint, who had been formerly one of his own followers; but the avarice of the wretch could not withstand the temptation of the reward, and he delivered his unfortunate friend to general Leslie.

Civil wars, exasperated by religious differences, have always been distinguished by traits of inhuman insult towards the captives, from which international wars in modern times have in general been exempted, and it was not to be expected that an enemy, who had shown so little magnanimity in success, should be treated with much tenderness or respect in misfortune; yet I cannot discover that Montrose was, during his progress as a prisoner, treated with any marked insult, for once he had very nearly escaped;† and at Dundee, stigmatized as the most

\* The adoption of a device so familiar to all the covenanters, said as little for the fertility of Montrose's genius, as for his good sense. It recalled to remembrance times, circumstances, and doctrines, which it was the interest of the prelatists to have buried for ever in oblivion, or at least as long as episcopacy and popery were considered as congenial religions.

† It was at the house of the laird of Grange, near Dundee, the author of the Memoir of the Somervilles, mentioning the old lady Grange, thus details the circumstance:—“It was at this ladye's house that that party of the covenanters, ther standing armie that gaiderd the marques of Montrose, after his forces was beat, and himself betrayed in the north, lodged him; whom this excellent lady designed to sete at libertie, by procureing his escape from her house. In order to this, soe soon as ther quarters were settled, and that she had observed the way and manner of placeing of the guairds, and what officirs commanded them, she not only ordered her butlers to let the soldiers

fanatical town in the north, and which certainly owed him no kindness, his own historians are constrained to confess, he was received with generous commiseration, and furnished with apparel becoming his rank. His reception in the capital was that of a condemned and excommunicated traitor: on the 18th May, at four o'clock, he was brought in at the Watergate, and escorted through the streets bareheaded in a cart, the hangman in his livery driving it, and the other prisoners walking two and two before; but the populace viewed the procession in silence, or melting into tenderness at the affecting spectacle, forgot for the moment the ferocious conqueror in the degraded captive. His sentence, the one usual in cases of treason, was

want for noe drink, but she herself, out of respect and kyndnesse, as she pretended, plyed hard the officirs and soldiers of the main-guaird—which was keped in her oun hall—with the strongest ale and aqua vitae, that, before midnight, all of them (being for the most part Highlandmen of Lawers' regiment) became starke drunke. If her stewarts and other servants had obeyed her directions, in giveing out what drinke the out guairds should have called for, undoubtedly the business had been effected; but unhappily, when the marquis had passed the first and second centinells, that was sleeping upon ther muskets, and lykeways through the main-guaird, that was lying in the hall lyke swyne on a midding, he was challenged, a little without the outmost guaird, by a wretched trouper of Strachan's troupe, that had been present at his takeing. This fellow was none of the guaird that night; but being quartered hard by, came rammelling in for his bellie full of drinke, when he made this unluckie discovery: which being done, the marques was presently seised upon, and with much rudenesse (being in the ladye's cloaths, which he had put on for a disguise,) turned back to his prisone-chamber. The lady, her old husband, with the whole servants of the house, were made prisoners for that night; and the morrow after, when they came to be challenged before these that had the command of this party, and some members of that wretched committie of estates that satt always at Edinbrough (for mischieff to the royll interest) whilk they had sent for the more security, to be still with this party, fearing that, by the great frinds and weill wishers this noble heroe had upon the way he was to come, he should, either by force or stratageme, be taken from them. The ladye, as she had been the only contriver of Montrose's escape, soe she did avoue the same before them all, testifying she was heartily sorry it had not taken effect according to her wished desyre. This confidence of hers, as it bred some admiratione in her accusers, soe it freed her husband and the servands from being farder challenged; only, they took security of her laird, for his ladye's appearing before the committie of estates when called, which she never was. Ther worships got something else to think upon."

already passed in parliament in his former attainder; when brought up to receive it, the earl of Loudon, chancellor, reminded him "of his breach of the solemn engagements, by which himself and the whole nation were bound, and of which he had once been so zealous a promoter; of his late rebellion against his native country, and his present invasion; and of his introducing into the bowels of the land the Irish insurgents, men accustomed to deeds of horror, with whom he had committed every species of rapine, devastation, and blood." The marquis, on being permitted to speak, addressed the estates, he told them, "that as he understood the king had owned them so far as to treat with them, he considered them as sitting by his authority, and, therefore, he condescended to appear bareheaded before them, which he otherwise would not willingly have done; he confessed his engaging in the national covenant, to which," he said, "he had adhered, until he discovered that, under pretence of reforming some errors in religion, and preserving public liberty, it was intended to abridge, and take away the king's lawful authority, and usurp it themselves; but as to the solemn league, he had never sworn, and, therefore, had never broken that bond, which he rejoiced he had never done, when he witnessed the sects and divisions it had occasioned, and the mischief it had brought upon the country. He had taken up arms at first," continued he, "by command of the late king, by whose command he had also laid them down, and without any regard to his own interest, retired beyond seas; but he denied that he ever had shed blood, except in the field of battle, and even in the greatest heat of action, he had preserved the lives of many thousands. As to his late invasion, he had entered Scotland by the express orders of his present sacred majesty—to whom they all owed their duty and allegiance, and for whose long and happy reign he offered his sincere and earnest prayers—in order to accelerate the treaty that was betwixt them, his majesty being assured that whenever he should have agreed with them in a firm and lasting peace, he would be ready to lay down his arms, and retire at his call; so that he might justly affirm that no subject had ever acted upon more honourable grounds, nor by a more lawful power and authority, than he had done in the

several expeditions undertaken by him for the service, and at the command of the two best of kings. In conclusion, he entreated them to judge of him as a man, as respected the cause in which he had engaged, as a subject, with regard to the execution of his master's commands, and as one to whom they lay under many obligations, for having preserved their lives and fortunes, when he might have destroyed both." The chancellor replied, by recapitulating his acts of hostility, which "proved him to be a person the most infamous, perjured, and treacherous, his country had ever produced—a most cruel and inhuman butcher and murtherer of his nation—and one whose boundless pride and ambition had lost the father, and, by his wicked counsels, had done what in him lay to destroy the son." Montrose made no reply, only he sighed twice deeply, and "rolled his eyes alonges all the corners of the house." He heard his sentence on his knees without any apparent emotion, and afterward told the magistrates, who waited on him in prison, "that he was much indebted to the parliament for the great honour they had decreed him," adding, "that he was prouder to have his head fixed upon the top of the prison, than if they had decreed a golden statue to be erected to him in the market place, or that his picture should be hung in the king's bed-chamber." He said, "he thanked them for their care to preserve the remembrance of his loyalty, by transmitting such monuments to the principal parts of the kingdom, and only wished he had had flesh enough to have sent a piece to every city in christendom, as a testimony of his unshaken love and fidelity to his king and country." During the night, he turned this sentiment into verse, and wrote the lines with a diamond on the window of his jail: a proof, if not of great poetical genius, at least of considerable composure of mind.\* He rejected

\* I subjoin the verses, that the reader may judge for himself. They have been praised and dispraised in the extreme.

" Let them bestow on every airth a limb,  
 Then open all my veins, that I may swim  
 To thee, my Maker, in that crimson lake;  
 Then place my parboiled head upon a stake.

with disdain the attendance of the ministers, who endeavoured to impress on his mind the guilt of the innocent blood he had shed, and of the miseries he had inflicted on his unoffending countrymen—they exhorted him in vain to repentance, in the prospect of death; his proud heart refused to yield; he gloried in the career he had pursued, and consoled himself with the idea of his imperishable renown.

On the morning of the day on which he suffered, [21st May,] hearing the sound of trumpets and drums, he asked the captain of the guard what it meant? upon being told that it was to call out the soldiers and citizens to arms, for the parliament were afraid of the malignants raising some disturbance at his execution. “What,” replied he, “do I who was such a terror to these good men when alive, continue still so formidable to them now when I am about to die?” Soon after, when in the act of combing his hair, one of the council observing him, made some remark on his occupation—“So long,” he answered, “as my head’s my own, I’ll dress it as I choose; to-morrow, when you get it, you may treat it as you please.” About two o’clock of the afternoon, he was led to execution, dressed in scarlet and gold, and walked with a firm step to the scaffold. The gibbet was thirty feet high, on which his body was condemned to be exposed three hours; but he viewed it with unaltered countenance, and addressed the spectators in an audible, unbroken voice:—“He expected that such as knew him perfectly, would not esteem him the less for his present sufferings; many greater and more deserving men than he had undergone a similar fate. What he had done in the kingdom, he said, was agreeable to the laws of the country, and undertaken in obedience to the commands of the sovereign, and his principal study had always been to fear God, honour the king, and respect the laws. He was sorry that it should be objected to him by many good people, as a crime, that he died under the grievous censure of the church; but for that he was not to blame, he had incur-

Scatter my ashes—strew them in the air—  
Lord, since thou knowest where all these atoms are,  
I’m hopeful thou’lt recover once my dust,  
And confident thou’lt raise me with the just.”

red it only for performing his duty to his prince, for the security of religion, and the preservation of the royal person. He then defended the character of the late martyred king, and, adverting to his son, he reckoned that that people would be the happiest upon earth, who should have the good fortune to live under the just and merciful government of his present majesty! who was a great lover of justice, which he sacredly preserved! religiously bound by his promises! nor would ever condescend to deceive! He hoped none would impute his present conduct to pride, he followed the light of his own conscience, as it was directed by the rules of true religion, and right reason, pointed out to him by the unerring Spirit of God, who, out of his great goodness and mercy, had supplied him abundantly with the virtues of faith and patience, by the assistance of which, he was enabled to meet death even in its foulest shape with courage, and to sit himself before the throne of God full of hope and confidence, that the Lord would be glorified even by his condemnation on earth." He concluded, by recommending "his soul to God, and his reputation to his country." When he had finished, the History of his Wars, and his late Declaration, were hung round his neck by the hangman; to whom he said, "though it had pleased his majesty to create him a knight of the most noble order of the garter, yet he did not consider himself more honoured by it, than by the cord and the books which were now put about him." On his arms being bound, he asked if they had any further ignominy to inflict, for he was willing to undergo it. His last words were, "may God have mercy upon this afflicted kingdom."\*

Montrose was thirty-eight years of age at the time of his execution. His renown as a great commander, he owed chiefly to the legendary tale of Wishart, and the exaggerated reports of the royalists of his day; for when calmly considered, his mighty triumphs dwindle into the daring exploits of a

\* This account of Montrose's last moments is copied from Wishart; nor has it ever, so far as I know, been contradicted: although I believe it has been considered as pretty highly coloured. But there is a measured form in the enthusiasm of the Marquis's last speech, far different from the living language—the very breath of reality—which we shall afterwards find in the ruder dying words of more humble names.

"Reaver," successful only when opposed by an unofficered and undisciplined peasantry. He was brave, capable of enduring fatigue, and possessed those qualities, which would have perhaps rendered him a valuable partisan in guerilla warfare; although even in that it is doubtful how far he would have been able to cope with an active enemy, as his surprise at Fyvie and Philiphaugh evince him to have been deficient in vigilance, the first quality in a military mind of the lowest order. Actuated entirely by motives of personal ambition or revenge, he possessed none of that elevated love of glory which despises the gratification of private animosity, and seeks in success rather to humble an enemy by favours than waste him by retaliation. It would be difficult, I believe, to point out any act of disinterested generosity of his towards the vanquished, which deserved to be remembered when he himself was overcome.

Circumstances of torture, or of unnecessary ignominy attending the infliction of the last punishment, as they always carry with them an appearance of vengeance, are calculated to destroy the ends of justice, they excite rather pity for the sufferer than detestation at his crime; and although Montrose undoubtedly deserved to die the death of a traitor, the few particulars of additional ignominy which were added by his justly exasperated judges—to express their abhorrence of a man, who, after having so terribly ravaged his native land, had, during existing negotiations, endeavoured to renew similar scenes—have been seized upon to throw around his merited execution a false, factitious, and sympathetic lustre. But the prevailing party of the presbyterians had, besides, another motive, to induce them to treat Montrose in the manner they did; they were divided by the discovery of the king's treachery: the more rigid, of whom the leaders were Wariston and Sir John Chiesly, wished to break off all intercourse with the faithless Charles, while Argyle persevered in his loyalty; and they both were necessitated to concur in expressing the sense they had of the duplicity of their prince, by the punishment they inflicted on his confidential emissary, against whose being employed in any manner they had particularly instructed their commissioners to insist: the first, to

justify their opposition; Argyle, to avoid the imputation of collusion.\*

His principal officers followed him to the scaffold. Hurry, who had alternately served and deserted all parties, fell without a regret; along with him suffered Spottiswood, the archbishop's grandson. Sir Francis Hay of Dalgetty, a Roman catholic, was more justly lamented, as he had broken no oaths, and acted from a principle of loyalty to his prince, and fidelity to the chieftain whose fortunes he followed; he was beheaded by the maiden, an honour denied his commander, but he requested his body might share in the honour or disgrace of the same grave. Lord Frendraught, to escape the ignominy of a public execution, starved himself. As the king disowned authorizing any invasion of Scotland, the executions, which were few, cannot be pronounced unjust; and certainly, if compared with the punishments which followed Pentland, cannot be called cruel.

Charles at first appeared inclined to resent the execution of Montrose, as an infraction of their treaty; but when he was given to understand that his commission to that nobleman was in the hands of the presbyterians, he quietly acquiesced; and as he saw that no more favourable conditions were now to be expected, he complied with every requisition, embarked for the land of his fathers, and arrived at the mouth of the Spey about the middle of June. He was accompanied by the duke of Hamilton and the earl of Lauderdale, who, though proscribed by the act of classes, were, from their conduct during the negotiation, permitted by the parliamentary commissioners to pay this mark of respect to the king. Before he landed he was required to take the solemn league and covenant; but Livingstone, who administered it to him, entertained strong doubts of his sincerity, and vainly attempted to render the bonds more binding upon his conscience, in proportion to the reluctance he shewed to receive them: a procedure of which it is difficult to appreciate the criminality, or to say to whom the deepest guilt belongs, whether to those who, taking advantage

\* Balfour, vol. iv. p. 15, 16. Baillie, vol. ii. p. 545. Wisheart, p. 383, et seq. Whitelock, p. 439, 453, et seq. Burnet, vol. i. p. 72.

of a prince's necessities, forced him to swear to what they knew he had no intention of performing, or his who, with the settled resolution of breaking it the first favourable opportunity, took an oath which he abhorred, and deliberately called upon God to witness the fraud.

The expedition of Montrose had not tended to remove any of the asperities which existed: the committee of estates, after conference with the commissioners of the church, recommended to parliament, that a deputation should be sent to congratulate the king upon his arrival, and shew his majesty how glad his people were to hear that it had pleased God to move his heart to give satisfaction to their desires; but it was coupled with the unpalatable intimation, "that it would be very acceptable to them, that to testify the reality of the change, he would forsake and abandon the company of malignants; that his domestic servants, and such as were about him, might be well affected to the cause; that such as were otherwise should be removed, and put from him, but in a fair and discreet way; and recommending that the duke of Hamilton, and the earls of Lauderdale and Forth, [Ruthven, lord Brentford,] should be of the number." The Scottish nobles were permitted to retire to their homes. The English attendants, among whom were the duke of Buckingham, lord Wilmot, and the earl of Cleveland, were ordered to leave the country; as their religion, however, was of that compliant order, which seldom opposes interest, they conformed, and were allowed to remain, and to treat with secret ridicule the piety which they outwardly pretended to respect.

If the trappings of state had constituted the realities of kingship, Charles enjoyed them in as high a degree of splendour as the most admired of his predecessors in the proudest hour of their exaltation; he was approached with the most humble expressions of submission, his equipage was rich, his attendants numerous, and the whole ceremonial of his court adjusted with the most punctilious regard to his dignity; but of the essentials of sovereignty he was necessarily deprived: nor did the personal safety of the present party in power, nor the eventually possible preservation of the country, admit of its being otherwise. Alienated as Charles was in religion (for he

was at this very time a Roman catholic proselyte) and in disposition from the presbyterians, whose forms he thought unfit for a gentleman, and whose manners comported ill with his own licentiousness, no confidence could be expected between the parties; and their mutual distrusts were equally well founded, for they had each separate interests and ends in view. Charles wished to make Scotland a steppingstone to aid him in mounting the throne of his three kingdoms, to attain which, he was willing to submit for the time to any conditions, however repugnant to his temper and habits. The ruling party in Scotland wished to secure their religious establishment and civil institutions, and if possible to preserve peace with England: this, they knew, could never be done, if either the engagers or malignants obtained the smallest share of the government, and therefore both the church and present parliament united to keep them out, and so far their conduct was both rational and politic.

Possession of the king's person, in the then state of the country, was of the last importance; and to preserve it, the presbyterians made use of those methods, which although not the most pleasant to the prince, were what they thought the most profitable, and which the peculiar circumstances of the case fully warranted. A dissolute court, the only one that would have been according to Charles' taste, was what could not be tolerated while the eyes of the sectaries, men equally strict in point of morals with themselves, were fixed upon them: they therefore chose persons of exemplary manners, and wholly presbyterian in their principles, to be about his majesty; and as chaplains formed part of the court establishment of that day, the ministers who were most popular, and possessed most influence, were naturally promoted to that office. Their ideas of duty did not permit the omission of the worship of God in the family, or public meetings for divine service, merely because their temporal superiors felt little of the spirit of devotion; and, although there was much formality and length in the sermons and prayers upon these occasions, yet this, as every thing else of the kind, was greatly exaggerated by the royalists, who hated all appearance of seriousness, although to prevent their regular attendance upon the king, would, with interested politicians, have of itself been reason sufficient for keeping up a practice, which had all

the effect, without the formality of a regular family guard. No doubt such a situation was extremely irksome to Charles; to the careless and dissolute necessary restraint is always irksome, and to the irreligious the practice of piety can never be pleasant; but it does not therefore follow that they are wrong, or that the sterner virtues, although allied to unamiable qualities, and by their stiffness exposed to the ridicule of frivolous, flippant courtiers, are in times of imminent public danger to be softened down to the more yielding temperament which times of tranquillity and unsuspicious intercourse allow.

The English had not been inattentive spectators of the negotiations with Charles, nor had the Scots with less anxiety watched their motions. Both were preparing for extremities, but the Scottish parliament were the least willing to commence hostilities; they, therefore, previously to the king's arrival, sent three letters, to Lenthall, speaker of the house of commons, lord Fairfax, and Sir Arthur Haselrig, to inquire into the reason of the marching of their forces towards the border, and demand the release of several vessels seized without any declaration of war, in direct breach of that article in the late treaty, requiring that no interruption should be given to the trade between the two kingdoms without a previous declaration of war, which extremity was stipulated only to take place upon the one nation's refusing redress and reparation to the other, and then not without three months' previous notice.

In the distracted state of Scotland, it was impossible to calculate upon the permanent superiority of any party. Although there were no reasons to distrust the sincerity, there were many for doubting the stability of the present rulers; and little reliance could be placed upon the inactivity of the troops, if the levy ordered by the estates were completed, notwithstanding the strong assurances that it was merely defensive. The English council of state, therefore, determined to anticipate the possibility of an attack, by marching an army into Scotland. The late engagement and invasion of England, they alleged, was a breach of the covenant and solemn league, which, although disavowed by the present, had been sanctioned by a former and fuller meeting of the estates, with whose spirit they accorded, by recalling Charles Stuart, without consulting

the English commonwealth. But the danger which the new republic would have incurred from the vicinity of a covenanted king, and the existence of so many lurking loyalists among themselves, with the natural connexion between the presbyterians of both countries, were sufficient inducements to have broken much stronger political bonds than those which then held the two kingdoms together. Cromwell was, in consequence, summoned from victory in Ireland, and Fairfax requested to assume the chief command of the army destined to invade the monarchical division of the island.

Fairfax, himself inclined to favour the independents,\* was not at first averse to undertake the management of the war; but his wife was a presbyterian, and her influence, it is said, prevailed upon him to resign the command, notwithstanding the urgent entreaties of a deputation from the council of state, among whom, Cromwell most strenuously urged his acceptance; “he had no objections,” he replied, “to fight if the Scots invaded the country; but he was not clear to invade them seeing they had declared no war.” The council were not, however, willing to await, what all allowed to be extremely probable, the entrance of the Scots with an organized army, and their king at their head, into the territories of the commonwealth, and Cromwell was appointed to a command which he accepted with real or well affected reluctance.

The preparations had been so rapidly executed, that within a month after Charles’ arrival, Cromwell was on the banks of the Tweed with sixteen thousand veteran soldiers. He advanced without opposition, the whole country between Berwick and Edinburgh having been laid waste. His march was preceded by proclamations, inviting the people to return to their homes, and promising them protection so long as they remained peaceable; and addresses to the Scottish nation, imputing the origin of hostilities to those who had proclaimed Charles, and offering peace and friendship upon the sole condition of his dismissal, to the crimes of whose family he attributed all the calamities of the land. A number of the wildest rumours were spread in England and the English army, respecting the parties in Scotland,

\* Hutchinson’s Memoirs.

and their operations, which the great ignorance of every thing respecting the latter country, that prevailed among their neighbours, rendered it easy to propagate and obtain credence for at the time, but which it is rather strange that later historians should ever have repeated. The Scottish ministers, it was said, declared from their pulpits, “that if the Lord did not destroy the army of the sectaries, he should no longer be their God;” a declaration so profane and so evidently inconsistent with their principles, that it refutes itself; then they were so much engaged in searching after witches, that entire villages were involved in proscription, while every other business was neglected;\* and as a finale, they were represented describing the English as monsters, who would give no quarter to any males between sixteen and sixty, and burn the women’s breasts with red-hot irons! the inventors of the tale not recollecting that before such a story could produce any effect, it was necessary for the people to forget that the same monsters had marched through the same country so very short a time before, and that all the males between sixteen and sixty had, under the severest pen-

\* Although there was undoubtedly a great deal of ridiculous exaggeration in the stories propagated at this time about the prevalence of demonology, yet there was unhappily too much ground for the accusations brought by the sectaries against the presbyterians, on one of the few points in which they had the misfortune to agree with the episcopalians—persecution for witchcraft. The Act 1649, made consulting with witches, death. In May, the same year, the house granted a commission for the trial of fifty-four witches! Act Parl. Scot. vol. vi. p. 447. Balfour’s Ann. vol. iv. p. 22. In June 21st, a warrant was given the laird of Lammington, the provost of Haddington, the baillies, and others, to try, and burn, if found guilty, Agnes Hunter, Margaret Dickson, and Isobel Murray, for the said crime of witchcraft. A similar commission was given to certain honest men in Inverkeithing, to apprehend the wives of the magistrates, and other persons of the said burgh, who had been delated as witches to the presbytery, but whose husbands had refused to incarcerate them at the desire of that body. Act Parl. Scot. vol. vi. p. 492. And one of the last acts of the same parliament, was for “the torture of witches.” It is an honourable trait in the character of the sectaries, that while they were in power, these infamous and absurd prosecutions were discountenanced and discontinued. Poor, aged, and helpless females, were allowed to live in quietness, and die in peace. At the restoration, the burnings recommenced, and were continued till the beginning of the eighteenth century.

alties, been ordered to join the army.\* Cromwell, as he advanced, found that the orders of the estates had been strictly obeyed; the provisions were carried off, and only women and a few old men and children were left in the parts through which his route lay. When he fixed his headquarters at lord Mordington's house, he found the walls bare, and one or two aged servants about the premises; the humblest utensils were removed, and the officers' mess, which consisted of some roast beef, was cooked upon the hearth, the back of a coat of mail answering for the dripping-pan, and the head-piece serving the purpose of a porridge-pot.†

A spirit of vigour and unanimity, the sure presage of success, animated the counsels of the new republic, in the senate and in the field, to which the divided state of Scotland formed

\* The intelligence from the army did not accord with this representation; it shows, at least, that the ladies had not heard, or did not much regard the terrible tale:—"Berwick, July 19th, the Scots are all gone with their goods towards Edinburgh, by command of the committee of the estates of Scotland, under pain of being sequestered and declared enemies if they did not remove, so that, for the most part, all the men are gone; but the wives stay behind, and some of them do, notwithstanding, bake and brew to provide bread and drink for the army." "To-morrow we march, I believe, very near Dunbarn, where we are like to lie in the fields, day after day, till the issue of this business be known, and if the ships with biscuit and cheese meet us not about Dunbarn, we shall be put to extraordinary straits, for this town affords us but little. The supplies are come from Newcastle; but the soldiers have not had any tents; so, in my judgment, wet weather and want of provisions, will make captain *Cold* and captain *Hunger* much injure the army. The Scots came to the markets at Berwick constantly till yesterday, when there came none with any provisions considerable, but only some few women with poultry: there was one bringing twenty horses laden with oats; but they were stopped." Perf. Diur. July 25th to August 1st.

† Captain Hodgson relates a characteristic anecdote of Cromwell and his soldiers:—"Well, that night we pitched at Mordington about the house. Our officers were looking out at a window, hearing a great shout among the soldiers, they espied a soldier with a Scots kirn on his head. Some of them purveying abroad, had found a vessel filled with Scots cream, and bringing the reversion to their tents, got some, dishfuls, and some, hatfuls, and the cream growing low in the vessel, one would have a modest drink, and heaving up the kirn, another lifts it up, and the man was lost in it! all the cream trickles down his apparel, and his head fast in the tub: this was a merriment to the officers, as Oliver loved an innocent jest." Memoirs, p. 130.

a melancholy contrast. There, the sectaries and the malignants—under which description were comprehended several of their most influential statesmen, and a majority of their veteran officers and soldiers—were excluded from places of trust, and prevented from enlisting, while the ministers obtained an overweening influence in the appointment of both civil and military authorities, and in the direction not only of the polemical, but of the political warfare; yet, under these appalling disadvantages, when the attitude of the commonwealth forced the ruling party to enter the contest, nothing which prudence and activity could devise or accomplish was omitted on the part of the estates of Scotland to meet the formidable attack.

The committee, besides the precautionary measures of carrying off every article of subsistence on the English line of march, collected the military strength of the Lowlands around the capital; and the earl of Leven having resigned on account of his age, David Leslie, the next in reputation, was appointed to the command. Fully aware of the superiority of the troops opposed to him in discipline and experienced officers, he concentrated his force about Edinburgh, and taking advantage of the facilities of the ground, he rendered his situation almost impregnable. Arthur's Seat and Salisbury Craggs, natural strengths, were his outposts, the Calton Hill was planted with cannon, his right was protected by the castle, then deemed a place of considerable strength, Leith was regularly fortified, the intermediate spaces were strongly defended by intrenchments, and the whole vicinity of the city presented a succession of batteries, whence flanking and cross fires might be opened upon almost every point of advance. The weather was exceedingly unfavourable for the English, it rained incessantly, and they were entirely exposed, while the Scottish troops lay comfortably under cover within their impregnable lines. An attack upon Arthur's Seat had been partially successful; but the English were unable, owing to this circumstance,\* to retain possession; and after having, from the neighbourhood of St. Anthony's chapel, cannonaded Leslie's left

\* Cromwell's despatch.

wing, who returned the fire from the Quarry-holes, on the descent of the Calton, and lying a day and a night exposed in the fields, Cromwell, perceiving that he could neither induce them to leave their vantage ground, nor force them with any prospect of success, ordered a retreat to his quarters at Musselburgh. As soon as the republicans had broken up, the Scottish forces sallied out from their strongholds, in two parties, one from the Canongate and another from Leith, to attack their rear. The first, from the Canongate, succeeded in throwing the enemy into confusion, with whom they had “a gallant and hot dispute,”\* and took major-general Lambert, who was wounded, a prisoner; but the other was repulsed, the general retaken, and the enemy reached Musselburgh without further molestation.† A night attack followed. Major-generals Montgomery and Strachan, with eight hundred picked men, well armed with cuirasses, lances, and pistols, expecting to find the enemy fatigued by the two preceding days’ duty, took a sweep of some miles round the country, and fell upon them at Stoney-hill,‡ a house on the western side of the Esk. A regiment of cavalry was quickly put to the rout, but the steadiness of the infantry, who were upon the alert, expecting some such attempt, checked the impetuosity of their assailants, and drove them back with considerable loss. Next day, Cromwell sent a trumpet with the wounded, in waggons, to Edinburgh, to refute the imputa-

\* Cromwell’s expressions in his despatch to the lord president of the council of state: he styled the skirmish next day, the battle of Gladsmoor.

† The following is Sir James Balfour’s account of that skirmish. “ One Monday the 29th of Julii, Cromwell with all his army, assaulted our trenches, near the Quarrell Holles, bot was valliently beat offe and repulsed, and two of his canon taken; and hes footte partey routed by Lawers’ regiment, quho doublet [debaitett?] alone, mounted the hill at St. Leonard’s [St. Anthony’s?] chapell, and dung them from their canon, which they had planted ther, to shotte one our trenches, at the Quarrell Holles. The English flange their armes from them, and betooke them to their heilles, wntil a brigad of horsse aduanced and reganed their canon; bot with great losse of men and horsse, quhom Lawers’ men from the hedges and rocks, played wncessantly with ther muskets.” *Annales*, vol. iv. p. 87, 88.

‡ Guided by a gentleman of the name of Hamilton, the proprietor, and his servant, who were both killed on the occasion.

tion of cruelty which had been thrown out against him, and to announce to the inhabitants that he claimed the victory. With the same showy generosity, he allowed the principal prisoners to return in his own coach to the capital.\*

Charles, who had arrived some days before in the Scottish camp, and been received by the soldiers with the greatest demonstrations of joy, had the mortification to witness this unfortunate commencement of hostilities. He is said to have marked his opinion of the fugitives by the appropriate appellation he gave them of "his green horns." His presence had attracted a number of engagers to the army, into which, notwithstanding all the care that had been used, many, both of them and of the cavaliers appear to have entered; and they assumed already a degree of insolence and forward loyalty which occasioned considerable uneasiness to the covenanters. Instead of the country or the covenant being the rallying word, they substituted "the king" alone. They were distinguished by their loose conduct and profane conversation, while their arrogant boasting gave them the show of being more numerous than they really were, and caused their importance to be over-rated. As enemies, they were only formidable while they wore the garb of friends.† Unhappily the ruling party in the Scottish camp was itself divided. That section of them who from the beginning had opposed the recall of the king, and were desirous of maintaining peace with England, as the only probable way of retaining their freedom, were more confirmed in their views, by Charles' visit, of the utter hopelessness of any project which rested in the smallest degree on the king's personal character; and the section at whose head was Argyle, being the minority, who entertained a more favourable opinion of their young

\* Relation of the fight near Leith, p. 214. Hodgson's Memoirs, p. 156. Whitelock's Memorials, p. 452.

† Walker says, they chalked the letter R. [Rex] below the crown, and otherwise showed their affection to the king. Journal, p. 164.—In the night attack, one of the soldiers, when mortally wounded, exclaimed, "Damme, I'll go to my king;" and in the conversation with some of the prisoners at Leith, some of the Scottish commanders, it is said, "old cavaliere-like, did sweare most desperately." Relation of the fight at Leith, p. 221.

king, was forced into measures of which they did not altogether approve, but which they could not condemn, except by alleging that they were too rigid, severe, and uncharitable. The day after his arrival in the army, a proclamation was circulated in the king's name, announcing that the Lord had been pleased, in his gracious goodness and tender mercy, to discover to him the great evil of his ways, and blessed the endeavours of the kirk and kingdom, so far as that he had sworn the covenants, and given satisfaction to their desires—that he was also willing to accede to any measures which might be thought proper by the parliament of England, sitting in freedom, for settling the kingdom and securing freedom—that although an army, under lieutenant-general Cromwell, sent by the sectaries of England—after murdering the king, using force to the two houses, and oppressing the people—had now invaded Scotland, contrary to the solemn league and covenant, and the treaty between the kingdoms, yet being persuaded that many of the officers and soldiers had been misled by the craft and cunning of others, he offered a free pardon and indemnity to all of them who should immediately leave that army, and come over to the Scottish ; where they should be courteously used and entertained, excepting those only who had sat in the High Court of Justice, or voted for his father's death. This proclamation, the only one which could with propriety have been issued, and expressed in as moderate terms as the occasion would admit, his majesty, influenced by his private advisers, refused to sanction.

Meantime, the commission of the kirk were assiduous in their vocation ; by exhortations and addresses, they endeavoured to prevent the engagers from regaining their influence, either about the person of the king, or what was fully more to be dreaded, obtaining influence in the army. While the king wavered, or appeared to hesitate, the present party stood on very slippery ground, and the enthusiasm and relaxation which the army exhibited during his temporary visit, showed them by how slender a tenure they held their power, and how little chance there was of their being able to maintain it, were they to consent in the smallest degree to admit the others to a share. Charles, therefore, upon his refusal, was quickly hurried from the camp to Dun-

fermline, to prevent, it was said, any danger to the discipline of the army, which was at the same time purged of malignants.\*

Shortly after, he was waited upon by the council, with a declaration which had been drawn up on purpose to satisfy and set at rest the mind of the people upon this essential subject, and to convince them that the king was wholly theirs, that he approved of all the steps they had taken, and was willing to be entirely governed by them. The situation of affairs was imperative, and admitted of no half measures: the declaration, therefore, was framed rather with regard to the exigence of the time than the feelings of the king. The English general every-where published that the church and state, by recalling the son, had *de facto* approved of the proceedings of the father, that they had retraced the steps of reformation, and were guilty of condemning all that so much blood had been spent to establish; that the present king, notwithstanding his having taken the covenant, [which he had only done hypocritically] was not to be trusted; that the Scottish rulers knew this, and that in setting him up, they were only setting up themselves.† These representations it was necessary to counteract, and the young sovereign was made to declare “ His sense of the merciful dispensation of divine providence, by which he had been recovered out of the snare of evil counsel, and his full persuasion and confidence of the loyalty of his people of

\* Sir Edward Walker says, “at this time the army lost four thousand of the best men, and displaced all the officers suspected; concluding they had an army of saints, and that they could not be beaten,” Journal, p. 165. Laing corrects this from Balfour’s State Mem. vol. iv. p. 85, and shows that only eighty officers were dismissed. Mr. Brodie thinks, from a passage in Bailey, that Sir Edward’s statement was accurate. I am inclined to think Mr. Laing’s correction just. The engagers who assembled in the north, to whom Bailey refers, did not assemble till *after* the battle of Dunbar, and had been excluded, by never being allowed to enter into the army of the covenanters; and Sir James Balfour, who was upon the spot, is the better authority for the exclusion after the king left the army, which does not appear to have consisted of other than the officers. The act of the committee of estates, issued at Stirling, 22d October, referred to by Mr B., respected the putting down Middleton, and those who rose after the start. Hist. Brit. Emp. vol. iv. p. 280, note.

† Perf. Diurn. Aug.

Scotland, with whom he had too long stood at a distance, of the righteousness of their cause, and his determination to join in one covenant with them, and to cast himself and his interest wholly upon God, following the advice of his parliament in matters civil; and the general assembly or their commissioners in matters ecclesiastical. He lamented his father's opposition to the work of God, and the bloodshed which had followed; the idolatry of his mother, and the sin which had been incurred by its toleration in the king's house; and his own former misconduct, which, although it might be extenuated by the evil advice he had listened to, and the treatment his family had received at the hand of the sectaries, yet he only hoped would be forgiven by God through the blood of Jesus Christ. He was also made to say that he entered into the covenant oath without any sinister intention, or crooked design, for attaining his own ends; but so far as human weakness would permit, in the truth and sincerity of his heart, and that he was firmly resolved, in the Lord's strength, to adhere to, and prosecute the same to the utmost of his power, in his station and calling, really, constantly, and sincerely, all the days of his life. In the other parts of this famous paper, he was made to express his sorrow for the league with the rebel Irish, to declare it null and void, with his resolution for the time to come to refrain from seeking any such unlawful help to restore him to the throne. He deprecated harming any of his subjects in England, by the commissions he has issued, they being only intended against the usurpers of his authority, and expressed his anxiety to give satisfaction to the just and necessary desires of his good subjects of England and Ireland; and that if the houses of parliament of England, sitting in freedom, should think fit to present unto him the propositions of peace, agreed upon by both kingdoms, he would not only consent to them, with such additions as the parliament should think necessary, but do whatever was further requisite for prosecuting the ends of the solemn league and covenant, especially in those things which concerned the reformation of the church. And in conclusion, he was made to express his hopes, that whatever had formerly been his guiltiness before God, and the bad success that those had had who owned his affairs whilst he stood in opposition to the work of God,

yet the state of the question being now altered, and he having obtained mercy to be upon God's side, and to prefer God's interest before his own, that the Lord would be gracious, and countenance his own cause, in the hands of weak and sinful instruments, against all enemies whatsoever."

At first, when this declaration was brought to Charles, he received the messengers graciously, but being about to set out upon a hunting expedition, he deferred giving any answer till he should return. In the evening, having consulted with his favourites during the chase, he declined sanctioning by his name whatever might tend to reflect upon the memory of his father. The commission, which met in the west kirk, so soon as they received the king's answer, passed an act of the following purport:—" Considering that there may be just ground of stumbling, from the king's majesty's refusing to subscribe and emit the declaration offered to him, concerning his former carriage, and resolutions for the future, in reference to the cause of God, and the enemies and friends thereof; doth therefore declare, that this kirk and kingdom doth not own or espouse any malignant party, or quarrel, or interest; but that they fight merely upon their former grounds and principles, and in the defence of the cause of God and of the kingdom, as they have done these twelve years past; and, therefore, as they disclaim all the sin and guilt of the king and of his house, so they will not own him nor his interest, otherwise than with a subordination to God, and so far as he owns and prosecutes the cause of God, and disclaims his and his father's opposition to the work of God, and to the covenant, and likewise all the enemies thereof; and that they will, with convenient speed, take into consideration the papers lately sent unto them by Oliver Cromwell, and vindicate themselves from all the falsehoods contained therein; especially in these things wherein the quarrels betwixt them and that party is misstated, as if they owned the late king's proceedings, and were resolved to prosecute and maintain his present majesty's interest, before and without acknowledgment of the sin of his house and former ways, and satisfaction to God's people in both kingdoms."

The committee of estates approved of this, and the king

\* Balfour's Ann. vol. iv. p. 90, *et seq.*

when he found it was useless to contend, got a few of the more offensive phrases softened, and without further dispute signed the manifesto, well known as “the Dunfermline Declaration.” Some of the most heated of those averse to Charles, transmitted the west kirk act to Cromwell, but he, who saw in their dissensions the seeds of his own success, would enter into no correspondence with any of the parties who acknowledged the king, under whatever restrictions. Charles’ compliance established an apparent unanimity, and the ruling party had every reason to be satisfied with the appearance of the campaign.\* The ministers meditated also a further triumph; they had proposed, and the young monarch had consented, to make a public acknowledgment and profession of his repentance; but before this object was carried into effect, the campaign took a very unexpected turn, and Charles was relieved from that penance.

Cromwell had hitherto been able to make no impression upon Lesly’s lines, and had been frustrated in all his attempts to draw him from them. Finding his army begin to grow sickly from the state of the weather, and his provisions falling short, he attempted, by marching westward, and manoeuvring between him and Stirling, to intercept his supplies, force him to leave his vantage ground, and come to an engagement; but Lesly, from his superior knowledge of the country, marching in the same direction, kept open the communication, while he retained all his superiority: and after a partial cannonading in the neighbourhood of Collington, Cromwell was forced by scarcity of provisions, to retrace his steps to the sea coast.†

\* That this unanimity was only in appearance, and that the Scottish were even then divided in their sentiments, we learn from a despatch of Cromwell’s to the council of state, after the battle of Dunbar:—“I think fit,” says he, “to acquaint your lordships with two or three observations: some of the honestest in the army among the Scots did profess before the fight, that they did not believe their king in his declaration: and it is most evident he did signe it with as much reluctance, and so much against his heart as could be, and yet they venture their lives for him upon this account, and publish this to the world, to be believed as the act of a person converted, when in their hearts they know he abhorred the doing of it, and meant it not.” Sept. [6.] 1650.

† Relation of the campaign in Scotland, 1650.

As the season, however, was far advanced, and there appeared no possibility of forcing Lesly's position, nor any prospect of inducing him to leave it so long as they remained there; the English general having called a council of war, resolved to break up and march towards Dunbar, which he determined to fortify, in the expectation that if any thing, this, would provoke the Scots to engage, or if not, that having a garrison there, they would be able to accommodate their sick men, and establish a good magazine, which they exceedingly wanted, and which would place the army at ease with regard to provisions, nor oblige them to depend upon the uncertainty of weather. Between Berwick and Leith there not being one good harbour, they had frequently been reduced to great straits by the impossibility of landing their stores, and during the boisterous season of winter, if they remained in Scotland, the difficulties would increase; but Dunbar afforded an easy communication by sea with England, and could at all times secure them a ready supply.\* In the English camp, it was the current opinion, that their army would winter in the neighbourhood; the Scots entertained a very different opinion, they knew the sickly, exhausted, and ill supplied state of the enemy, which the reports of the day, and their own wishes, magnified into a state of absolute debility and starvation, they anticipated an easy victory over the dispirited fugitives, and their only anxiety was, to prevent their escape.

Having shipped about five hundred sick and wounded soldiers at Musselburgh, on Saturday, the 31st August, at night, Cromwell marched from Musselburgh to Haddington, which he had just reached, and distributed his men, the van-brigade of horse, with the foot and artillery, into quarters, when the Scots who had closely pursued, fell with impetuosity on the rear-guard of horse, threw them into confusion, and, but for a sudden darkness, occasioned by a thick cloud overshadowing the moon, they would in all probability have surrounded and taken them; the stormy eclipse, however, enabled them to rejoin the main body in safety. During the night, the Scots made an attempt upon the west end of Haddington, but the enemy were prepared,

\* Cromwell's despatch.

and being repulsed, they withdrew to the heights, where Cromwell did not choose to pursue, nor think it advisable to attack them. Next day he drew out his men in order of battle, a challenge which Lesly was too prudent to accept in the plain, and after four or five hours waiting, he proceeded on his march to Dunbar. The Scottish army, who still kept the high ground to the south, moving forward at the same time. The pass at Cocksburn path, the only road to Berwick, a communication which the English required to keep open, and where a few were capable of effectually resisting a considerable force, was taken possession of by a small party of the Scots, while Lesly with the main army hovered around the march of the English. Cromwell, who knew the importance of the pass, perceived himself now in a perilous position, out-generalled by Lesly, and in a situation somewhat similar to that which the parliament's army was in when it made its hard conditions with the king in Cornwall.\*

But the operations of Lesly were controlled by the committee of church and state, who followed the camp; encouraged by the arrival of several new regiments, they forced him, in opposition to his judgment and inclination, to leave the commanding station he occupied, to block up more effectually the march of the English, and cut off their retreat, by placing himself in their front, upon a narrow passage between the mountains and the sea, at the bottom of the hill on which he had encamped.† On the night of Monday, preparations for

\* His expressions are, “The enemy that night, we perceived, gathered towards the hills, labouring to make a perfect interposition between us and Berwiche, and having in this posture a great advantage, through his better knowledge of the country, which he effected, by sending a considerable party to the straight passe at Copperspath, where ten men to hinder, are better than forty to make their way, and truly this was an exigent to us. The enemy lying in the posture before mentioned, having these advantages, we lay very near him, being sensible of our disadvantages, ‘having some weakness in the flesh,’ yet consolation and support from the Lord himself, that he would find out a way of deliverance and salvation for us.”

† Mr. Brodie in his narrative of the battle of Dunbar, says, “As the accounts transmitted to us of Lesly’s motives, are not to be relied upon, it is impossible to ascertain exactly by what he was really influenced,” Hist. vol. iv. p. 290. I am led to differ from him in this, by the following passage in

the fatal movement were made. Cromwell, who had been anxiously attending the motions of his opponent, coming with major-general Lambert to Broxmouth, the earl of Roxburgh's house, could not rightly understand the intentions of his opponent, whether he meant to "attempt any thing upon them," or to place themselves in a more exact position of interposition; but he immediately observed to Lambert, "that he thought it did give an opportunity and advantage to attempt upon the enemy;" to which Lambert replied, "he had intended to have made the same remark." On calling colonel Monke, that officer coincided in opinion; and a number of other colonels being summoned to headquarters, they all concurred in the general's ideas, and concerted the order of battle for next morning. Six regiments of horse, and three and a half of foot, were appointed to form the van, and the attack to commence at daybreak. During the night Lesly had drawn up in the pass, and owing to some delay, the assault was not made till six o'clock. The Scottish word was, "the Covenant;" the republicans, "the Lord of Hosts." Fleetwood and Whalles led to the charge, which was gallantly made, and bravely resisted.

For some time, till the English foot arrived, the dispute was at swords' point, between the cavalry, with little advantage on either side; and the first foot that engaged was repulsed, till

Bailley : "The most part of the committee of estates, and commission of the kirk, would have been content to let him go; but finding no man tolerably able to supply his place, and the greatest part of the remaining officers of horse and foot, peremptory to lay down, if he continued not; and after all trials, finding no maleadministration in him to count of, but the removal of the army from the hill the night before the rout, which yet was in consequence of the committee's orders, contrary to his mind, to stop the enemy's retreat, and for that end, to storm Broxmouth house as soon as possible." vol. ii. p. 350. Cromwell mentions also, in his despatch, of Sept. 11th, "I heare, when the enemy marched last up to us, the ministers pressed their army to interpose between us and home: the chief officers desiring rather, that we might have way made, though it were by a golden bridge." It appears I think, pretty plain, that Lesly's plan was, to harass the enemy's retreat, but not to hinder it. At any rate, the movement which lost the day was certainly against his judgment, and under the immediate influence of the committee. Burnet says, "Warriston was too hot, and Lesly too cold, and yielded too easily to their humours."

Cromwell's own regiment came to their support, and carried the contested ground at push of pike. The horse had, in the meanwhile, also succeeded in breaking their opponents, charging through and through them. Hitherto, the morning had been thick and foggy, but at this time, the sun began to appear, and Oliver exclaimed, "Let God arise, and let his enemies be scattered;" shortly after, turning to some about him, with astonishment he added, "I protest they run." When once broken, it became impossible for the Scots to rally; the very advantages of the ground turned against them; and, to use the language of Cromwell, after the first repulse given, "They were made by the Lord of Hosts, as stubble to their enemies' swords." The rout was complete; upwards of three thousand fell on the field, among whom were several ministers, who being considered by the sectaries as the chief instigators of the mischief, found no mercy from the soldiers. Ten thousand were taken prisoners; two hundred colours, fifteen thousand stand of arms, the whole baggage and artillery, fell into the hands of the victors. Five thousand of the sick or wounded prisoners were dismissed from the field, the remainder were driven into England; and those who survived a violent disorder, occasioned by fatigue, exposure, and unwholesome food, were sold as slaves to the plantations.\* The greater part of the cavalry being only dispersed, escaped, and were afterwards collected, and although several of the leading men were killed, or prisoners, the majority of these also preserved their lives by the fleetness of their coursers.† The casualties on the part of the conquerors were said to have been very small in proportion; but if the battle was as stoutly contested at the onset, as Cromwell represents in his despatches, it is difficult to believe, that the victory was gained with scarcely the loss of twenty men.

Perhaps it would be difficult to say, whether the king or Cromwell were the better pleased with the event of the engagement; Clarendon represents Charles as glad at the disaster, and accounting it the greatest happiness that could have befallen him,

\* Cromwell's despatches.—Letters from the army in Scotland, published by authority.

† Balfour's Ann. vol. iv. p. 97.

to have got rid of so strong a body of his enemies.—But at the time when the young king was expressing in secret, among his confidential companions, his delight at the defeat, he transmitted to the committee of estates a condoling epistle, which may vie with any of the productions of the leading characters of the day, for the piety of its sentiments, and the scriptural strain of its expressions ; yet, while their productions have been held up to ridicule, this letter has escaped censure, as if the unblushing profligacy of Charles' latter years had atoned for the unprincipled hypocrisy of those that went before. “ There is nothing,” says he, “ under the sun that is not subject to sudden and strange alterations,—God Almighty is only unchangeable, and therefore it is, that we are not consumed,—and, of all the affairs in the world, nothing is subject to so many accidents as an army in matters of war. To-day, nothing so glorious and terrible as an army with banners. To-morrow, or in an hour’s space, nothing so confused and so weak, when then the terror of God falls upon them, and they turn their backs, and that the men of might find not their hands, then that, that was before goodly and dreadful, is in an instant despicable and contemptible. We cannot but acknowledge that the stroke and trial is very hard to be borne, and would be impossible for us and you in human strength ; but in the Lord’s we are bold and confident, who hath always defended this ancient kingdom, and transmitted the government of it upon us, from so many worthy predecessors, who, in the like difficulties, have not fainted ; and they had only the honour and civil liberties of the land to defend, but we have, with you, religion, the gospel, and the covenant, against which hell shall not prevail, much less a number of sectaries stirred up by it. We acknowledge that what hath befallen is just from God ; for our sins, and those of our house, and of the whole land, and all the families in it, have likewise helped to pull down the judgment and to kindle the fierce wrath. We shall strive to be humbled, that the Lord may be appeased, and that he may return to the thousands of his people, and comfort us according to the days that we have been afflicted, and the days that we have seen evil.”\* Cromwell mourned

\* Thurlow, vol. i. p. 163.

over the miseries of Scotland, and protested “ That ever since he came into the country, it had been his desire, and longing, to have avoided blood, by reason that God had a people in it fearing his name, though deceived; and to that end, had offered much love unto such, in the bowels of Christ and concerning the truth of his heart in that matter, he had appealed unto the Lord.” The ministers, whose political power was now at its summit, were the particular objects of both their displeasure, and both were equally anxious that they should be humbled, only Cromwell merely desired that they should be confined to their spiritual calling; Charles, in the true spirit of his maternal religion, would cheerfully have consented to their extirpation. The fruit of the victory at Dunbar was the immediate possession of Leith, and of Edinburgh, with the exception of the castle, within which the ministers sought refuge, nor could the promises of freedom and protection in the exercise of their functions, which the victor offered, induce them to return to their duty in the city; they engaged in a controversy, respecting the rights and qualifications of regular pastors, the violation of the covenants, and the abuse of unlicensed individuals, usurping the work of the ministry, while sectarian and lay preachers were filling their pulpits, and holding forth to large and strongly affected auditories.\* David Leslie and the shreds of the army retired upon Stirling, whither the committee of estates and the commission of the church were assembled, and, amid the defeat and disaster by which they were surrounded, these public authorities presented an unyielding front to the enemy.

While the king with his courtiers, at Perth, were ridiculing the rigid Presbyterians, as the authors of all the evils the country was enduring, and spreading a number of malicious reports to distract their measures, and create dissension, in order that they might profit by the general confusion, in the spirit of pious, but courageous resignation, a short declaration and warning to all the congregations of the kirk of Scotland, was issued by the commissioners: “ Although,” said they, “ the Lord, whose judgments are unsearchable, and whose ways are past finding out, hath brought the land very low, under the

\* Merc. Pol. Octr.

hand of a prevailing enemy, yet must we not forbear to declare the mind of God, nor others refuse to hearken thereto. It were superfluous to give answer to the many calumnies and reproaches that are blazoned abroad: for although in every thing we cannot justify the conduct of the army, yet we hold it our duty to desire every one not to believe groundless reports, but rather to eye the Lord, and look upon the hand that smites them." After admonishing all classes to be humbled for their iniquities before the Lord, that he might turn away his wrath from them, they strenuously exhort them to be no less careful in opposing the enemy than they had been in opposing malignants; nor to think now that all danger from malignants is gone, but to take heed that, under a pretence of doing for the king and kingdom, they get not power and strength into their hands, for advancing their old designs; and conclude, by warning all the inhabitants of the land to beware of murmuring and complaining against God's dispensations, and questioning the truth and goodness of their cause on account of any thing that had befallen them:—" Let us bear the indignation of the Lord patiently, because we have sinned against him, until he plead our cause, and execute judgment for us." The committee of estates followed up the warning of the commission, by proceeding to purge the king's family of all profane, scandalous, malignant, and disaffected persons. They immediately issued an order for enforcing the act of parliament, requiring a number of the most obnoxious of the king's attendants to leave the court within twenty-four hours, and the kingdom in twenty days. The king was extremely anxious that proceedings should be delayed against some whom he proposed to name till the parliament met; but the orders were peremptory, and lyon-king-at-arms was ordered to give the requisite intimation.

This decisive conduct brought the contest between the courtiers and the ruling party, or strict presbyterians, at once to an issue. The former had hoped, in the extremity to which government was reduced, that they would, upon the meeting of parliament, be obliged to relax, and, for the sake of national defence, be constrained to admit into the army and places of trust, those who were excluded by the act of classes; but the unmoved resolution with which they met their difficulties, and

the expressed determination to make every sacrifice except the sacrifice of principle, soon convinced them that these expectations were likely to be disappointed, and they, in conjunction with the king, had planned a more desperate remedy. An extensive conspiracy was projected in the north. On the day on which the king was to escape, a thousand Highlanders were to be ready to rush down from Athole, and seize the committee of estates at Perth. Lord Dudhope, the constable of Dundee, was to secure the town; lord Ogilvy was to take arms in Angus; while Middleton and Huntly were to raise the north. But the order for removing his servants, which admitted not of delay, disconcerted their plans. The king, terrified by the artful insinuations, or real apprehensions of his courtiers, believing that this was only preparatory to his being delivered up to the English, the next day, under pretence of hawking, left Perth, attended only by some private domestics, and as soon as he had passed the south Inch, clapping spurs to his horse, he proceeded at full speed to Dudhope, by Dundee, whence he was conveyed by the earl of Buchan and viscount Dudhope to the earl of Airlie's; but instead of being met by the array of Angus, a wretched guard of some sixty or seventy Highlanders escorted him to a miserable cottage belonging to the laird of Cliva, where, in a filthy room, after the fatigue of a ride of forty-two miles, he threw himself down despondingly upon an old bolster, above a mat of sedges and rushes, to ruminant upon the probable consequences of his ill advised START.\* In this miserable plight he was found by Montgomerie, with a party sent after him by the committee, who conducted him to more suitable apartments in Huntly castle, and next day [Sunday] brought him respectfully to Perth, where he heard "ane comfortable sermon in his ouen chamber of presence, the afternoon's sermon in the toune being endit before he entered."†

Hitherto the rigid presbyterians had maintained their superiority, and resisted all attempts at a coalition with the other party. In spite of the injurious surmises against David Lesly, they had acquitted him, approved his conduct, and notwithstanding

\* The name by which this incident is usually known in Scottish history.

† Balfour's Ann. vol. iv. p. 199, et seq. Walker, p. 196, et seq.

ing his own opposition, reinstated him in the command of the army; and he had justified their confidence by the skilful arrangements he had made for defence. Cromwell, who allowed no opportunity of advantage to escape, had marched to Stirling, expecting in the season of universal consternation to obtain possession of that fortress, the key of the north; but he perceived the intrenchments so complete, that, after spending a night at St. Ninians, he returned to Linlithgow, and found an excuse in the weather for giving up the attempt. Well acquainted, however, with all the transactions which were taking place, the English general no sooner heard of the escape of Charles, than he renewed his offers of negotiating, and despatched a letter from Linlithgow [October 9th,] to the committee of estates, couched in the most conciliatory terms:—  
“ The grounds and ends of the army’s entering Scotland,” he tells them, “ have been heretofore often and clearly made known unto you, and how much we have desired the same might be accomplished without blood; but according to what returns we have received, it is evident your hearts had not that love to us as we can truly say we had towards you; and we are persuaded those difficulties in which you have involved yourselves, by espousing your king’s interest, and taking into your bosom that person in whom—notwithstanding what hath or may be said to the contrary—that which is really malignancy, and all malignants do centre; against whose family the Lord hath so eminently witnessed for blood-guiltiness, not to be done away with by such hypocritical and formal shows of repentance as are expressed in his late declaration: and your strange prejudices against us, as men of heretical opinions, which, through the great goodness of God to us have been unjustly charged upon us, have occasioned your rejecting these overtures, which, with a Christian affection, were offered to you before any blood was spilt, or your people had suffered damage by us. The daily sense we have of the calamity of war lying upon the poor people of this nation, and the sad consequences of blood and famine likely to come upon them; the advantage given to the malignant, profane, and popish party by this war, and that reality of affection which we have so often professed to you, and concerning the truth of which we have so solemnly

appealed, doth again constrain us to send to you, to let you know that if the contending for that person be not by you preferred to the peace and welfare of your country, the blood of your people, the love of men of the same faith with you, and above all, the honour of that God we serve; then give the state of England that satisfaction and security for their peaceable and quiet living by you, that may in justice be demanded from a nation giving so just ground to ask the same from those who have, as you, taken their enemy into their bosom whilst he was in hostility against them; and it will be made good to you, that you may have a lasting and durable peace with them, and the wish of a blessing upon you in all religious and civil things. If this be refused by you, we are persuaded that God, who hath once borne his testimony, will do it again on the behalf of us his poor servants, who do appeal to him whether their desires flow from sincerity of heart or not." To this the commission of the kirk was requested to reply, but afterward, with the country, had to lament, in tears of blood, that, like the other offers of Cromwell, it was rejected, as inconsistent with the obligations of the nation to their covenanted king.\*

The START, although not attended with the circumstances on which the king had calculated, was productive of the most mischievous consequences to the presbyterians. The more complying, not knowing the extent of the king's connexion

\* That the English at this time, and Cromwell himself, were sincere in their desires of conciliating the Scots, without conquering the country, cannot, I think, be doubted; and had not a rigid devotion to the letter, rather than the spirit of the covenant, a proud and blind attachment to their native race of monarchs, and the selfish ambition of a few of the aristocracy prevented, Scotland, by a federal alliance with England at this time, might have escaped subjugation, and stopped the effusion of much blood. Lord St. John, in a letter of congratulation on the victory at Dunbar, speaks what seems to have been the general feeling of the ruling party in the commonwealth towards the Scots. "We ought to seek God for them, that they may see the rod, and who hath sent it, and for what. We must not insult over them, but still endeavour to heap coals of fire upon their heads, and so carry it with as much moderation and mercy towards them, as may consist with safety, although I know, that the wisdom of the serpent is needful, when we deal with them who have more of the serpent than of the dove." Original Letters, addressed to Oliver Cromwell, published from the collection of Milton, p. 26.

with the conspiracy, or affecting not to believe it, joined the ultra-royalists in attributing his flight to the rigour with which he had been treated, and uniting with their most deadly enemies, prepared the way for their own eventual ruin, by consenting to admit the king to the exercise of regal authority, detected as he was, and exasperated by a sense of the injuries he had been disappointed in inflicting. He was within three days invited to preside in the council, and the effects of the concession were immediate. The chancellor, in his name, made a long apology for his conduct, which he attributed to the “wicked conseil of evil men, quho,” Balfour very simply records, “had deludit him, and deceaved both him and themselves;” and his majesty personally assured them, “that as he was a christian! when he went first out, he had no mind to depart; and he trusted in God this unhappy business would be a lesson to him all the days of his life.” His royal apology was received without hesitation; and the provincial synod of Fife, who brought forward a remonstrance expressive of their regret at the hurried manner in which the king had been brought back, and hinted their doubts of his majesty’s sincerity or repentance, were coldly thanked by the lord chancellor for their care, and in some particulars desired to inform themselves better; and the council proceeded to consider of a conference with the kirk, to consult of the most fitting means for promoting union within the kingdom among such as love the cause. An act of indemnity, passed for such of the Athole-men as had taken up arms when the king left Perth, and an offer of similar favour was made by proclamation to those in the north, who still remained embodied under Middleton.

As some of the heritors in Fife had shown a disposition to take part in the insurrection, Charles addressed them a letter on his return to Perth, exhorting them also to return to their obedience; in which it is impossible whether to admire most his hypocritical meanness, or the silliness of the ruling party, who allowed themselves to make use of any professions such a man could make, or trusted to retain their power under the shadow of a name prostituted at the same time, to encourage and to condemn intestine warfare among his own adherents:—“Lest

any," said he in this notable epistle, "should be deceived concerning our late leaving this place, and thereupon may have taken, or may take occasion not to do their duties, according to the orders of the committee, we declare unto you that we are grieved that we should have listened to the suggestions of some wicked persons that were about us, and that we gave any credit or belief to the calumnies they forged for their own sinistrous ends. We have seen the evil of the way they were leading us into, and now discern the folly and madness of it, and are more assured and confirmed of the fidelity and integrity of them, that these malicious men would have given us ill impressions of, and are resolved absolutely to adhere and rely upon their counsels, for we see they tend to the public good and our service, and the other seek but us for their own ends."

With this traffic in deceit, by which neither were deceived, which was going on between the existing administration, at the head of which was Argyle, and Charles, the presbyterians in the south and west, with a sincerity which redounds greatly to their honour, refused to have any concern. Immediately after the rout at Dunbar, the gentlemen of Ayr, Clydesdale, Renfrew, and Galloway, associated together for the defence of the country, and proposed levying a powerful body of horse; and as colonels Strachan and Kerr had distinguished themselves in the north, they were invited to assume the command. The ministers zealously seconded from their pulpits the views of the heritors, and about three or four thousand horse were raised in a very short time. But Strachan had been reclaimed from the dissolute habits of youth among the sectaries, had served in the parliamentary army in England, and with much difficulty had been persuaded to accede to presbyterianism and the covenant. His affections were still strongly biassed in favour of his old friends, and his principles inclined towards a commonwealth; but gratitude and patriotism bound him to the service of the kirk and kingdom of Scotland.\* He had, however, joined with the more rigid or conscientious divisions of the presbyterians, who were averse to the recall of

\* Balfour, vol. iv. p. 139, et seq. The church's extraordinary favour got him to be helped with one hundred thousand merks, out of their purses, for mounting him a regiment, the greatest offering which ever our churchmen made at one time. Baillie, vol. ii. p. 552.

Charles until they perceived some decisive marks of common honesty about him, and some probability of either maintaining their peace with England, or being effectually able to resist them upon grounds entirely national, and substantially just. When he went to the west country, the ministers there, directed chiefly by Mr. Patrick Gillespie, afraid of the sectaries, were yet more afraid of the malignants, and were rather inclined to sacrifice the interests of a king, in whom they had no confidence, than the interests of their church, and of their native land; they would, therefore, have consented to pledge themselves, not to prosecute Charles' claims upon the English crown, if the English commonwealth would have consented not to interfere in their domestic arrangements. In their meetings and consultations they spoke freely and without reserve their sentiments respecting the king, and the careless, impolitic, and hasty manner in which he had been brought home, and openly reprobated the temporizing politics of their more moderate brethren, which, by keeping alive the expectations of the ultra-royalists, kept alive the distractions of the country. They thought the infamous and unworthy duplicity of Charles, in authorizing the invasion of Montrose, had been too easily passed over; but when his majesty "*took the start*," they perceived the full extent of the project, and the utter hopelessness of ever attaching him to their interest; and, rejecting with scorn his forced and hypocritical repentance, they were for proceeding fairly and honestly to disavow his cause.

Cromwell had sent a copy of his letter to the estates, to the gathering army in the west, and to enforce his arguments, marched thither himself with the greater part of his force. As he went, he remarked the desolate and wasted appearance of the country, and endeavoured to conciliate the affections of the people, not only by abstaining from any injury, but by supplying some of their more urgent wants from his own stores, and even by promoting subscriptions among his officers for their relief. At Glasgow, he respectfully attended the ministrations of the presbyterians, and sat with the greatest patience, while Zachary Boyd inveighed with intrepid violence against the sins of the day; sectarianism and a slighted covenant. Next

morning, he invited the preacher to a disputation, and accompanied by some of his officers, debated the contested points with several assembled divines; nor did his own party think that he was less successful in polemical, than he had been in military warfare.

The western force, at his approach, under pretence of opposing the advance of English re-enforcements from Carlisle, retired with their levies to Dumfries, where the associated leaders and ministers drew the first sketch of their remonstrance, which, upon their return to Glasgow, after Cromwell had left it, they forwarded to the committee of estates, enlarged and altered in consequence of the ascendancy of the moderate party, the tenderness shown the malignants, and the proposals for crowning the king, and admitting him to the full exercise of royal authority. This paper, which effectually divided the presbyterians, was remarkable for its plainness and good sense, and traced distinctly the causes which had prematurely involved the country in a ruinous war with England, and pointed out the only means which remained, in the then state of the country, for preventing its final ruin, or complete subjugation to the English. The remonstrants “acknowledged it to be their duty to use all lawful means for reclaiming the king, and owning his interest so far as he owned and prosecuted the cause, but they confessed it as their sin, and the sin of the kingdom; that when he had followed his father’s footsteps, in opposition to the work of reformation, and had gone the length of confirming a peace with the Irish rebels, for pardon of the blood of so many thousands of the protestants shed by them, and allowing them the exercise of the popish religion, and when he had given commission to the apostate rebel, James Graham, to invade this kingdom;—that after all this, commissioners should have been warranted to assure him of his present admission to the exercise of royal power, upon his profession to join in the cause and covenant, not only without any evidence of his repentance, or of the reality of his profession, and forsaking his former ways, but when there was pregnant presumption, if not clear evidence of the contrary.” “There was too great haste and precipitation,” also, they added, “in bringing

forward a second address to the king, after the first had been rejected, and when they had information that he had given a commission to invade the kingdom, and unaccountable folly in continuing it, after his duplicity was fairly discovered, in the actual invasion, under his warrant, during the treaty; but above all, in concluding it, after the parliament was in possession of his letters, discovering his firm adherence to his former principles, and his resolution to make use of the forces levied by James Graham. Yet, notwithstanding this agreement, for which they, and many in the land had mourned, they had waited to discover whether the king had at last really joined interest with the people; but now they had clear evidence that the estates had been deceived and ensnared by his dissembling. By his cleaving to the malignants within the kingdom, and his corresponding with those without, such as Ormond and Newcastle, his pursuing the same designs since the treaty as before, and his privately conveying himself away with the malignants, who had, ever since his coming to the country, waited for that opportunity, and with whom he had held a correspondence with the design of their rising again in arms. They, therefore, disclaimed all the guilt of the king and of his house both old and late, and declared they could not own him or his interest in the state of the quarrel betwixt them and the enemy. But for remedying what was past, and to prevent similar mischief in future, they recommended to the estates to reflect whether the king's refusing to forsake associating with malignants, notwithstanding the resolutions both of kirk and state to the contrary, his not having performed the satisfaction promised by him in the treaty, nor ruling according to the counsels of the kingdom, but forsaking them, to join with counsels and forces which he was bound to abandon, be not such a break of all his promises, and such a discovery of his hatred to the cause and covenant, as gives good ground not to intrust him with the exercise of sovereign power, and whether an effectual course ought not to be taken for the trial of the last malignant design of the king's deserting the public counsels, and of all those who had accession to it? and they implored them to consider that if it were a sin in them to intrust power into the hands of a king unworthy to reign over their own nation, how much more aggravated the guilt would

be in endeavouring to impose such a ruler in England where his power would be increased.”\*

The committee of estates were much divided in opinion respecting the remonstrance. Eglinton would immediately have voted it scandalous and treasonable, and ordered it to be burned by the hands of the common hangman. Sir James Hope was for a moderate reply, or referring the whole to the commissioners of the kirk. Argyle proposed that while what regarded religion might be referred to the commission, a strong answer ought to be issued by the committee; and after a long and warm debate, a declaration was agreed upon, stigmatizing the “ said paper, as it relates to the parliament and civil judicatories, as scandalous and injurious to his majesty’s person, and prejudicial to his authority ; and in regard of the effect it hath already produced, and those that are like to follow thereupon, if not prevented, it holds forth the seeds of divisions of a dangerous consequence ; and that it is dishonourable to the kingdom, in so far as it tends to ane breach of the treaty with his majesty at Breda, also strengthens the hands of the enemy, and weakens the hands of honest men ; yet, because diverse honest, faithful, and religious gentlemen, officers, ministers, and others of approven fidelity and integrity in the cause, of whom the committee could not harbour the least thought to their prejudice, had been ensnared. The king and committee declared the said persons free from any imputation upon their names, or censure upon their persons or estates, except they should after this declaration persist in prosecuting what is contained therein contrary to the laws of the kingdom.”

As soon as they had agreed upon a declaration, the committee transmitted it to the commission of the general assembly, with a request that they would also declare their sense of the remonstrance, in order that it might be laid before parliament. The commission agreed with the leading truths in the remonstrance; they were satisfied as to the facts and the principles, they only hesitated as to the propriety of openly declaring them at the

\* Scottish Acts, vol. vi. Balfour, vol. iv. Baillie, vol. ii. Whitelock, p. 484, et seq. A True Representation of the Present Divisions of the Church of Scotland, Lond. 1657.

time, and objected to some particular expressions which seemed to reflect upon the general assembly, or were so incautiously framed as to admit of misconstruction by the enemy. After much disputation, they adopted the following very equivocal report upon the subject:—"The commission having taken into their consideration the said remonstrance, doth find and acknowledge therein to be contained many sad truths in relation to the sins charged upon the king, his family, and the public judicatories, which also we are resolved to hold out and press upon them in a right and orderly way, together with such other sins as we find by impartial search, and the help of the Lord's Spirit upon our endeavours therein, that they may take with them, and be humbled before the Lord in the sense thereof. We do find it our duty to show that, in respect, there seems to be therein intrenching upon some conclusions and determinations of the general assembly; and in respect of inferences and applications made therein in relation to the king's interest, and the exercises of his power and government; and in regard of the engagements, which in the close thereof they declare to be upon their hearts before God, in relation to evidences for remedying the things contained in it, we are dissatisfied therewith, and that we think it apt to breed division in kirk and kingdom, as we do find already, in part, by experience, and that the enemy hath taken advantage thereat; and because of the tender respect and love we owe, and most cordially carry to the gentry, officers, and our brethren of the ministry, who have concurred in the said remonstrance, as being religious and godly men, and such as have always given proof of their integrity, faithfulness, and constancy in the cause of God, and for entertainment of love, unity, and conjunction amongst the people of God, in acting according to their calling and station against the public enemy, the breach of all which, Satan at this time is eagerly driving at, and the enemy is greedily desiring and expecting. We do resolve to forbear a more particular examination of the said remonstrance, expecting that at the next diet of this commission, these worthy gentlemen, officers, and brethren, will give such a declaration and explanation of their intentions and

meaning as may satisfy both kirk and state, without any further inquiry or debate thereupon.”\*

Next day the parliament met, and the chancellor, Loudon, was chosen president.† His majesty Charles II. then pronounced his maiden speech:—“ My lords and gentlemen, It hath pleased him who ruleth the nations, and in whose hands are the hearts of kings, by a very singular providence, to bring me through a great many difficulties into this my ancient kingdom, and to this place, where I may have your advice in the great matters that concern the glory of God, and the establishment of my throne, and that relate to the general good and common happiness of these three covenanted kingdoms, over which he hath set me: and, truly, I cannot express the height of that joy wherewith he hath filled my soul from this signal experiment of his kindness, nor how strong and fervent desires he hath created in me to evidence my thankfulness, by standing to reign for him, and with an humble and just subordination to him. That which increaseth my hope and confidence that he will yet continue to dwell graciously with me is, that he hath moved me to enter in covenant with his people—a favour no other king can claim—and that he has inclined me to a resolution, by his assistance, to live and die with my people in defence of it. This is my resolution, I profess it before God and you, and in testimony hereof, I desire to renew it in your presence, and if it shall please God to lengthen my days, I hope my actions shall demonstrate it; but I shall leave the enlargement of this, and what farther I could say, to my lord chancellor, whom I have commanded to speak to you at greater length, and likewise to inform you of my sense, not only of the folly, but the sinfulness of my going from this place, and the reasons of it.” The chancellor, as soon as the king had concluded, repeated to the parliament the reasons for the start, and the penitence and sorrow of his majesty for the

\* Scottish Acts. Balfour. Baillie, ut supra.

† Among the extraordinary proceedings of this parliament, Balfour notices, “ Mem. This evening, candle being lighted in the housse, a great stock oule muttit on the tope of the croune, wiche, with the suord and sceptre, lay one a table over against the threne.” Ann. vol. iv. p. 200. Tobit, ii. 10.

same, in terms similar to what Charles himself had made use of to the committee. The first and most important object which was brought under consideration was the existing divisions, and the committee, which was appointed to arrange with the commissioners of the church the ceremony of the coronation, was empowered to confer on the reasons, *pro* and *contra*, why men should be admitted or excluded from joining with the army, or acting a part against the common enemy.\*

As a preliminary to the inauguration of the young monarch, two fasts were appointed, one for the contempt of the gospel, and “ane ither for the sins of the king, his family, and nobility;” and in order to promote unity, colonel Montgomery was ordered to march with a force to the west to join the association and take the command. The proceedings of the parliament were not, however, agreeable to the western leaders. Strachan, who was decidedly averse to the authority of the king, in present circumstances, and urged strongly the propriety of making at least an attempt to treat with Cromwell before proceeding farther in the contest, when he found his arguments of no avail, laid down his commission, and Kerr, on whom the command devolved, unwilling to surrender his charge to Montgomery without distinguishing himself, resolved to make a dash at an English force under Lambert, which had been sent against him, and which he was informed was greatly inferior in number, and lay at Hamilton in unsuspecting security. But the enemy, considerably superior in strength, were upon the alert, and when Kerr charged their quarters on the 1st December, at four o'clock in the morning, he was so warmly received, that, after a short skirmish, his whole forces were dispersed, and himself wounded and taken prisoner.† The few who

\* The committee consisted of Argyle, Eglinton, Cassils, and Lothian, noblemen.—Toftis, Duffus, Buchanan, Ara, barons.—Andrew Grant, Perth, Alexander Bower, Dundee, James Sword, St. Andrews, and George Jamieson, Cupar, burgesses. Charles had at this time asked to marry Argyll's daughter! but the marquis declined the honour.

† Baillie seems to hint, that Kerr was not altogether hearty in the cause, but unfortunate officers seldom escape suspicion. Journal, vol. ii. p. 564.

rallied in Kyle were persuaded by Strachan to disperse, and he himself, despairing of the success, as well as disgusted with the state of the quarrel, went over to the enemy.

Kerr's disaster, which dissipated between 5000 or 6000 cavalry, was instantly improved by the lords of the engagement, many of whom had now been admitted into parliament, and with whom the moderate party of the presbyterians concurring, a letter was sent to the moderator of the general assembly, to call an extraordinary meeting of the commission of the kirk, for the purpose of giving their advice respecting who were to be admitted or rejected from the service in the present extremity. The moderator, Mr. Robert Douglas, perceiving that this was only an order couched in other terms for the commission to approve of the conduct of parliament in receiving those excluded by the act of classes, and aware of the strong divisions that existed among his brethren upon that subject, unwilling to disobligé the ruling party, yet afraid to face an angry discussion, excused his refusal, as the regular meeting would take place within a few days; but the majority in parliament were sensible that the opinion of the common acting members was against them, and in a sharp reply, ordered the moderator instantly to comply with their former requisition, otherwise the parliament would be forced to act without their advice or concurrence; at the same time they wrote to the ministers in the neighbourhood of Perth, to assemble in that town on an appointed day "for relief of the distressed country, calling for present help at their hands." But as the commission, at the time when they gave in their sense of the western remonstrance, had along with it given in a modified remonstrance of their own, the estates, to sooth the ministers for their apparent disrespect, now returned a humble reply, acknowledging the justice of a number of their reproofs, lamenting in general their many sins in this time of sad affliction, and promising reformation and amendment in any particular cases which the commission should legally point out. With some difficulty a quorum of the commission, chiefly Fife ministers, was procured, and the much disputed question was submitted to their consideration in the

following shape:—"What persons are to be admitted to rise in arms, and to join with the forces of the kingdom, and in what capacity for defence thereof against the armies of the sectaries, who, contrary to the solemn league and covenant and treaties, have most unjustly invaded, and are destroying the kingdom?" Their answer was, "In this case of so great and evident necessity, we cannot be against the raising of all fencible persons in the land, and permitting them to fight against this enemy for defence of the kingdom, excepting such as are excommunicated, forfeited, notoriously profane, or flagitious, or such as have been from the beginning, or continue still, and are at this time obstinate and professed enemies and opposers of the covenant and cause of God; and for the capacity of acting, that the estates of parliament ought to have, as we hope they will have, special care that in this, so general a concurrence of all the people of the kingdom, none be put in such trust and power as may be prejudicial to the cause of God, and that such officers as are of known integrity and affection to the cause, and particularly such as have suffered in our former armies, may be taken special notice of."

Upon receiving an answer so congenial to their desires, the estates proceeded to pass an act of levy, ordering all the fencible men in the country, from sixteen to sixty, to be embodied; and all the officers who were obnoxious to church censure hastened, with ludicrous and hypocritical professions of repentance, to obtain forgiveness and readmission into the bosom of the church, that they might be qualified to resume their situations in the army.\* But the constitutional covenanters exclaimed loudly against these resolutions, which they reprobated as encouraging profanation, by accepting professions of repentance from men, of whose sincerity they had no proof, and whose conduct, even in the most charitable construction, was far from satisfactory. When the appointment of the officers came to be discussed, the full extent of the concessions were understood, and occasioned a long and violent debate; but the high royalist party were success-

\* Among these was Middleton, who had been excommunicated by Mr. James Guthrie, one of the ministers of Stirling.

ful, and in the nomination of the colonels, a number were appointed who had ranged under the banners of Montrose, and who had within the last twelve months been twice declared rebels for their insurrections in the north. Next day, the lord chancellor protested against the decision, and the debate was renewed; nor was it till after several stormy meetings that it finally passed, with a large proportion of malignants as officers. No sooner was it passed than all the noblemen and gentlemen, appointed officers in the army, received liberty of access to his majesty, notwithstanding any former restrictions, and the committee of estates soon saw themselves obliged to share with the privy council the power which, in conjunction with the commission of the church, they had hitherto enjoyed almost without control.\*

Yet, amid accumulating divisions, both political and religious, the preparations for Charles' coronation proceeded with great show of satisfaction, and on a scale of splendour befitting rather the pride than the poverty of an exhausted, broken down, distracted country.† The close of the year was marked by disaster, the west was defenceless, and scoured by parties of

\* The party of moderate covenanters, at the head of which stood Argyle, very soon began to feel the effects which their more consistent brethren predicted, from the reception of the engagers into parliament; and it is curious to observe this almost immediately apparent in their minutes. The committee of estates had previously managed all public business, the intercourse with foreign nations, as well as the internal regulation of the kingdom. This power they appear to have wished to keep, and to get legalized; and accordingly, December 28th, 1650, the minute, as first written, ran thus: "Ordaines a claus to be insert in the act of the committee of estaitts, or in any other commissione, qrbly they may have power to keep correspondence with other nations." But, upon subsequent discussion, that sentence was deleted, and the following substituted:—"The k. majestie, and parliament, remitts to the privie councle to think upon a way whereby they may keep correspondence with other nations." Acts, vol. vi.

† Baillie draws a melancholy and affecting picture. "It cannot be denied, but our miseries and dangers of ruin are greater than for many ages have been; a potent, victorious enemy master of our seas; and for some good time, of the best part of our land; our standing forces against this, his imminent invasion, few, weak, inconsiderable; our kirk, state, army, full of divisions and jealousies; the body of our people besouth Forth, spoiled, and neer starving; the benorth Forth, extremely ill used, by a handful of our oun; many inclining to agree, and treat with Cromwell without care either of king or covenant,

the enemy ; and Edinburgh castle, hitherto a virgin fortress, surrendered without a shot. It was an object of great importance to both parties ; it contained the records of the country, the wealth of the Lothians, and while it remained unreduced, Cromwell's army was cramped in its movements, and forced always to leave a considerable body of troops to observe it. It had been provisioned for a siege ; and, on the 13th of December, Augustine, a German, who acted as an independent partisan for Charles, had gallantly broken through the besiegers' lines, and thrown in a re-enforcement, with supplies to the garrison. The enemy had commenced mining, erected some batteries, and opened their fire ; but no serious impression had been made, when the governor, after some short interchange of letters, accepted of the conditions offered :—That the public registers, and all public property, should be conveyed safely to Fife, or Stirling ;—that all private property, lodged in the castle for security, should be faithfully restored to its owners ;—that the governor and garrison should march out with the honours of war, and be at full liberty to retire with a free pass to Burntisland, or wherever they please, or remain in the city of Edinburgh, without molestation. The whole guns in the castle, at that time delivered up, were sixty-seven. Three iron, besides the Great Mag five, seven nine and twenty-four pounders, and several smaller brass pieces, which went by the names of falcons, petards, dogs, and monkeys. Cromwell announced the fall of this fortress to the parliament as a great and seasonable mercy ; which, if it had not come in the way it did, must have cost very much blood to have attained, if at all to be attained ; at Perth, the intelligence was lamented as a dark dispensation, of which the treachery of Dundas was the immediate sinful cause :\* at all events, it left Cromwell at liberty to bend his whole attention to the ulterior objects of the war.†

none of our neighbours called upon by us, or willing to give us any help, though called." Letters, vol. ii. p. 567.

\* Cromwell's despatches. Balfour's Ann. vol. iv. Scottish Acts, vol. vi. Acts of Assemb. Baillie, vol. ii.

† From the correspondence which Cromwell says he transmitted to the

January first, one thousand six hundred and fifty-one, was the day on which Charles II. was crowned, at Scoone, covenanted king of Scotland, England, and Ireland. The future events of this monarch's reign give an interest to the ceremonies of the occasion, which state pageantries, in ordinary circumstances, do not possess; it was a solemn ratification of the mutual compact between a king and his people, as explicit, and as binding, as any moral and religious obligation can be rendered, by the most awful sanctions of which the highest and most sacred contract among men is susceptible. In the morning, the king, in a prince's robe, was conducted from his bedchamber, by the constable on his right hand, and the marshal on his left, to the chamber of presence, and placed in a chair of state, under a canopy, by lord Angus, chamberlain for the day. Being seated, the nobles, with the commissioners of barons and burroughs, were introduced, and presented to his majesty, when the earl of Loudon, lord chancellor, thus addressed him:—"Sir, Your good subjects desire that you may be crowned, as the righteous and lawful heir of the crown of this kingdom; that you would maintain religion as it is presently professed and established, conform to the national covenant, and the league and covenant, and according to your declaration at Dunfermline in August last; also, that you would be graciously pleased to receive them under your highness' protection, to govern them by the laws of the kingdom, and to defend them in their rights and

parliament, "for their unusualnesse," the conduct of Dundas, does not appear to have been altogether free from blame. He stickled greatly about his conscience and duty, in not rendering the castle to any but those from whom he had it in charge; and Cromwell answered several of his letters patiently and argumentatively, till finding the governor rather pertinacious, and greatly given to repetitions, he settled his casuistical doubts by a very brief epistle, "Sir, All that I have to say, is shortly this:—that if you will send out commissioners by 11 o'clock this night, thoroughly instructed, and authorized to treat and conclude, you may have honourable terms, and safe to you and those whose interests are concerned in the things that are with you. I shall give a safe conduct to such whose names you shall send within the time limited, and order to forbear shooting at their coming forth and going in. To this, I expect your answer, within one hour." Next day, the castle was surrendered. Perfec. Diur. December 23d to 30th, 1650.

liberties by your royal power; offering themselves, in the most humble manner to your majesty, with their vows, to bestow land, life, and what else is in their power, for the maintenance of religion, for the safety of your majesty's sacred person, and maintenance of your crown; which they entreat your majesty to accept, and pray God Almighty, that for many years you may happily enjoy the same." His majesty most graciously answered, " I do esteem the affections of my good people more than the crown of many kingdoms, and shall be ready, by God's assistance, to bestow my life in their defence, wishing to live no longer than I may see religion and this kingdom flourish in all happiness!"

From the presence chamber the king proceeded to the church, accompanied by all the noblemen and gentlemen present. The spurs being carried before him by the earl of Eglinton, the sword, by the earl of Rothes, the sceptre, by the earl of Crawford and Lindsay, and the crown, by the marquis of Argyle, who immediately preceded him. He walked between the great constable on his right, and the great marshal on his left, under a canopy of crimson velvet, supported by six earls' sons, and his train borne by four lords. The church was fitted up for the occasion, a chair was set opposite the pulpit for the king, and around were benches for the accommodation of the parliament and rest of the auditory during sermon,—in the middle, a stage was erected, twenty-four feet square, and raised from the ground about six feet, on this the throne was placed. The sermon was preached by Robert Douglas, one of the ministers of Edinburgh, and moderator of the commission, a man strongly attached to a limited monarchy, but a firm presbyterian; his text was strikingly apposite, 2 Kings xi. 12—17. " And he brought forth the king's son, and put the crown upon him, and gave him the testimony: and they made him king, and anointed him; and they clapped their hands, and said, God save the king.—And Jehoiada made a covenant between the Lord and the king and the people, that they should be the Lord's people; between the king also, and the people." The sermon has been printed, it is ingenious and able, and contains many admirable precepts, delivered in a strain of manly freedom, and with a devout earnestness, which but seldom

meet the royal ear upon such occasions. The reciprocal duties of kings and subjects are inculcated with plainness and force; and the nature of the compact between sovereign and subject, in a limited monarchy, is stated with clearness and precision. The political and religious topics which divided the nation are handled with dexterity; but although he failed in presenting to the king the only remedy for the evils of sectarianism, he, with almost prophetic sagacity, in the conclusion, fervently warned him against imitating the sins of his grandfather, "the guiltiness of whose transgression lyeth on the throne, and on the family."—"Many doubt of your reality in the covenant:" continued the preacher, "let your sincerity and reality be evidenced by your steadfastness and constancy; for many, like your ancestor, have began well, but have not been constant; take warning from the example before you, let it be laid to heart, requite not faithful men's kindness with persecution,—yea, requite not the Lord so, who hath preserved you to this time, and is setting a crown upon your head,—requite not the Lord with apostasy and defection from a sworn covenant!" After sermon, the national covenant, and the solemn league and covenant were distinctly read; the minister then prayed for grace to perform the contents of the covenants, and for faithful steadfastness in the oath of God, and administered the oath to the king, who, kneeling, and lifting up his right hand, swore, "I, Charles, king of Great Britain, France and Ireland, do assure, and declare by my solemn oath, in the presence of Almighty God, the searcher of hearts, my allowance and approbation of the national covenant, and of the solemn league and covenant above written; and faithfully oblige myself to prosecute the ends thereof in my station and calling, and that I, for myself and successors, shall consent and agree to all acts of parliament enjoining the same, and establishing presbyterian government, as approved by the general assemblies of this kirk, and parliament of this kingdom; and that I shall give my royal assent to acts and ordinances of parliament passed, or to be passed, enjoining the same in my other dominions; and that I shall observe these in my own practice and family, and shall never make opposition to any of these, or endeavour any change thereof." Having sworn, he subscribed the covenants, and his oath, written

out upon a roll of parchment, as the charter by which he held his crown, and was entitled to his people's obedience. He then ascended the stage, and formally took possession of his throne, the lord high constable and earl marshal also ascending, proceeded to the different sides of the stage, the lord Lyon-king-at-arms, proclaiming before them, "Sirs, I do present unto you the king, Charles the rightful and undoubted heir of the crown and dignity of this realm. This day is by the parliament of this kingdom appointed for his coronation. Are you not willing to have him for your king, and become subject to his commandments?" At every proclamation, the king presented himself to the people; and the multitude shouted, God save king Charles the second.

His majesty, when he had been shown to the people, and accepted by them for their king, descended from the stage, and resumed his former seat. Being asked if he was willing to take the oath appointed by the parliament to be taken at the coronation, he answered, "Most willing;" and the lord Lyon, read the act and oath as follow:—"Because that the increase of virtue, and suppressing of idolatry, craveth that the prince and the people be of one perfect religion, which, of God's mercy, is now presently professed within this realm, therefore it is statuted and ordained by our sovereign lord, my lord regent, and three estates of this present parliament, that all kings, princes, and magistrates whatsoever, holding their place, which hereafter at any time shall happen to reign and bear rule over this realm, at the time of their coronation, and receipt of their princely authority, make their faithful promise in the presence of the eternal God, that, enduring the whole course of their lives, they shall serve the same eternal God, to the uttermost of their power, according as he hath required it in his most holy word, revealed and contained in the New and Old Testaments, and according to the same word, shall maintain the true religion of Christ Jesus, the preaching of his holy word, and due and right ministration of the sacraments now received and preached within this realm, and shall abolish and gainstand all false religions contrary to the same, and shall rule the people committed to their charge according to the will and com-

mand of God, revealed in his foresaid word, and according to the loveable laws and constitutions received in this realm, nowise repugnant to the said word of the eternal God, and shall procure to the uttermost of their power to the kirk of God, and whole Christian people, true and perfect peace in time coming. The rights and rents, with all just privileges of the crown of Scotland, to preserve and keep inviolate; neither shall they transfer, nor alienate the same; they shall forbid and repress in all estates and degrees, rife, oppression, and all kinds of wrong. In all judgments, they shall command and procure that justice and equity be kept to all creatures without exception—as the Lord and Father of mercies, be merciful unto them—and out of their lands and empires they shall be careful to root out all heretics, and enemies to the true worship of God that shall be convict by the true kirk of God, of the foresaid crimes, and that they shall faithfully affirm the things above written, by their solemn oath.” When the lord Lyon had done reading, the minister tendered the oath to the king, who, kneeling and holding up his right hand, swore, in these impressive words, “By the Eternal and Almighty God, who liveth and reigneth for ever, I shall observe and keep all that is contained in this oath.”

The prince’s robe was then taken from him by the lord high chamberlain, and he was arrayed in his royal robes. The constable put the sword into his hand, saying, “Sir, receive this kingly sword, for the defence of the faith of Christ, and protection of his kirk, and of the true religion, as it is presently professed within this kingdom, and according to the national covenant, and league and covenant, and for executing equity and justice, and for punishment of all iniquity and injustice.” The king returned the sword to the constable, so soon as he had finished, who girt it to his side; the earl marshal put on his spurs. After which, the marquis of Argyle took the crown in his hands, and while he held it, a prayer was offered up, “That the Lord would purge the crown from the sins and the transgressions of them that did reign before him; that it might be a pure crown; that God would settle it upon the king’s head, and since men

that set it on, were not able to settle it, that the Lord would put it on, and preserve it." Prayer concluded, the marquis put the crown on his majesty's head. A herald then summoned the nobility, according to their rank, to take the oath of allegiance; who successively approached, and kneeling, with their hand touching the crown, swore to support the king to their uttermost. When each had so sworn, the whole collectively held up their hands, and swore to be loyal and true subjects, and faithful to the crown. After the nobility were sworn, the Lyon proclaimed the obligatory oath to the people, they holding up their right hands while he pronounced,—“ By the Eternal and Almighty God, who liveth and reigneth for ever, we become your liege men, and truth and faith shall bear unto you, and live and die with you, against all manner of folk whatever, in your service, according to the national covenant and solemn league and covenant.” All having sworn, the nobles put on their coronets, and the earl of Crawford and Lindsay delivered the sceptre into the king's hand, with this charge, “ Sir, receive this sceptre, the sign of royal power of the kingdom, that you may govern yourself right, and defend all the Christian people committed to your care by God; punishing the wicked, and protecting the just.” On which, the king, preceded by the grand constable, carrying the sword of state, drawn, and attended by the officers of the crown, and the nobility, again ascended the stage, and was installed in the royal throne by the marquis of Argyle, who thus addressed him:—“ Stand and hold fast from henceforth the place whereof you are the lawful and right heir, by a long and lineal succession of your fathers, which is now delivered unto you by Almighty God.” After which, the officiating minister addressed to him an exhortation, seated on his throne:—“ Sir, (said he,) you are now seated on a throne, in difficult times. I shall therefore put you in mind of the scriptural expression of a throne.—It is said, Solomon sat on the throne of the Lord; you are a king in covenant with the Lord; your throne is the Lord's throne. Remember you have a King above you, the King of kings, and Lord of lords, who commandeth thrones; and your people are his people. Let your government then be re-

freshing unto them as the rain upon mown grass. Your throne is the Lord's throne; beware of making it a throne of iniquity; there is such a throne, Psal. xciv. 20. which frameth mischief by a law. God will not own such a throne; it hath no fellowship with him. Sir, there is too much iniquity upon the throne, by your predecessors, who framed mischief by a law—such laws as have been destructive to religion, and grievous to the Lord's people: you are on the throne, and have the sceptre; beware of touching mischievous laws therewith. Hear the word of the Lord, O king, that sittest upon the throne; thou, and thy servants, and thy people; execute ye judgment and righteousness, and deliver the spoiled out of the hands of the oppressors; and do no wrong, do no violence to the stranger, the fatherless, nor the widow; neither shed innocent blood in this place. For if ye do these things indeed, then shall enter by the gates of this house, kings sitting upon the throne of David: but if ye will not hear these words, I swear by myself, saith the Lord, that this house shall become a desolation. I will prepare destroyers against thee. But, Sir, if you use well the Lord's throne, these words, spoken of Solomon, sitting on the Lord's throne, shall belong to you: he prospered, and all Israel obeyed him." The king next showed himself to the people gathered without the church, arrayed in his kingly attire, and was welcomed with loud acclamations, of God save the king. On returning to his throne, the nobles were again introduced by the lord Lyon: each kneeling, with his hands between the king's hands, swore fealty in the same words as the common people, according to the national and solemn league and covenant; and, on rising, kissed his majesty's left cheek. These solemnities ended, the minister pronounced a blessing:—"The Lord bless thee, and save thee:—the Lord hear thee in the day of trouble:—the name of the God of Jacob defend thee:—the Lord send thee help from the sanctuary, and strengthen thee out of Zion. Amen." And the whole proceedings of the day were closed by an address to the king, the nobles, and people, remarkable for the plainness and energy with which they were severally admonished to fulfil the obligations they had that day

entered into, and the danger and crime of forgetting their vows. The dangers with which the royalists were surrounded, and the tone of anxious, hesitating doubt, occasioned by mistrust of the king, which softened down the gratulations of the day, threw somewhat of prophetic terror around the dark and gloomy forebodings with which the remonstrants viewed a transaction entirely subversive of their power. Their immediate predictions were fulfilled; the malignants obtained the ascendency; and it was with difficulty that their champion Warriston was allowed to remain on the committee of estates.\* But their fears of the ceremony being marred by the presence of Cromwell, proved groundless; and the recruiting of the army proceeded with so much spirit, that it was now equal in numbers to that destroyed at Dunbar. The capture, too, of an English store-ship about the same time, which most opportunely supplied the army with provisions, was received as an evident sign of the providence of God, favouring the cause of a covenanted people and king.†

At the session of parliament, which met in March, in the choice of president, the chancellor was set aside, and lord Burghley elected. The courtiers having next obtained a vote of censure on Mr. James Guthrie, minister of Stirling, for his opposition to the resolutions, they proceeded, as was to be expected, to advance in their claims: they first procured the admission of the high royalist party into the committee of estates; and, what was of still greater importance, they got the nomination of a committee for managing the business of the army, accountable only to the king and parliament, by which the marquis of Argyle, and the whole of the moderate presbyterians, were removed from the direction of public affairs, or, what was equivalent, outvoted on every question of importance. Against this measure there was strong opposition: the king himself, who interfered, and spoke frequently in the debate, was answered by the chancellor and secretary; who both openly reproached him with inconstancy towards his best friends, deserting those who had brought him to the country, and put the crown upon his head, for men who had

\* Baillie, vol. ii. p. 368.

† Balfour, vol. iv. p. 241.

been the ruin of his father, in violation of his repeated assurances and most solemn oaths, in public and private, in writing and in print; and a formal dissent was given in, subscribed by thirteen noblemen, but so much had the moderate party declined, that it was not allowed to be recorded.\* The ultras, now a majority, to show the sense they had of his majesty's favour, entreated him to take upon himself the conduct of the army, which he graciously condescended to do, assuring them, "That he was confident there was none there that would distrust him, since he had as much at stake as any of them all, forby [besides] the oath of God, which was on him as their king, yea, their covenanted king."

The next session, held at Stirling in May, completed what the former had left undone. The opinion of the commission of the church had been asked with regard to rescinding the act of classes, as the great obstacle in the way of unanimity, so necessary in the time of public danger. The commission, who saw that their sanction was required to the repeal of an act, which formed the only, though feeble barrier against the entire ascendancy of the opposite party, who were willing to sacrifice every thing to get into full power, and that their opinion would be represented as the grounds of the parliamentary proceedings, in their answer, "Declared, lest any aspersion should be cast upon them, for encroaching upon, or intruding themselves into the office of civil power and authority, that they did not assume to themselves, nor was it competent for them to make or repeal acts of parliament; and as they had no hand in making the act of classes, so neither would they take upon them to determine whether it ought to be continued or repealed; nor would they give any opinion respecting the obligation of the treaty with England; but as for the solemn league and covenant, and other declarations, they did not think that they particularly determined any definite time for excluding persons from office for bygone offences; so that nothing, upon account of these grounds, hindered, but that persons, formerly debarred from places of trust, may have the censures inflicted upon them by the acts of classes rescinded,

\* Balfour, vol. iv. p. 274-5. Scottish Acts.

without sin, by the parliament, provided they be men who have satisfied the church, renewed the covenant, of good affection to the cause of God, and of a blameless and Christian conversation, which ought always carefully to be observed, and made conscience of, though there were no such act as the act of classes." This opinion was deemed sufficient to authorize rescinding the obnoxious statute; but yet, to keep up a show of attachment to the covenants, an act was previously passed for securing religion, and the work of reformation, in which great attention was paid to retain the form, while the spirit of these engagements was most flagrantly violated. The choice of the committee of estates, at the close of the parliament, evinced to what extent the liberty of admission into the highest and most responsible offices was carried; by the special nomination of the king, Buckingham was added, as supernumerary, to a list which included the most violent malignants. On the 6th of June, the session was prorogued until the third Wednesday of November; but the state of the times occasioned rather a more protracted adjournment. The nominal value of the currency was raised in this parliament, the gold twelve and a half, and the silver ten per cent.; and the mint, or cunzie-house, was removed from Edinburgh to Dundee. The forfeiture of Huntly was repealed, and Lewis Gordon restored to the estate and titles of his father.

Charles himself now appeared at the head of his army as commander-in-chief; with Hamilton as his lieutenant, and Leslie as his major-generals. But they wisely adhered to the defensive system; and, while the English were reducing the castles of Hume, Tantallon, Borthwick, and Roslin, they were busily employed in strengthening their position, in which they suffered no interruption, as Cromwell, during the winter months, was prevented, by an ague, from enduring fatigue, or superintending affairs in the field. The Scottish lines rested with their left upon Stirling, their right upon the Torwood, and the river Carron protected their front: the important passes thus in their possession, they secured a supply of recruits and provisions from the north; and had they been masters of a fleet, or possessed a supporting

army in the north; they might have bid the enemy defiance. But they were unable to cope with the enemy at sea, and they had neglected, or were without the means of assembling any other force of consequence.

The English were aware of the difficulty, if not impossibility of dislodging them by an attack in front, and had, besides, a superstitious dread of the ground in the neighbourhood of Bannockburn. Three different plans were therefore suggested to Cromwell, to march by a circuitous route, and attack from the west; to cross over to Fife, at Inverkeithing, or Burntisland, and harass them from that quarter; or to transport a part of the army to Angus, by sea, and after dispersing any levies, or re-enforcements, which might be in preparation there, to seize on Perth, and cut off all resources from the north.\* With the return of spring, and the recovery of health, Cromwell recommenced his field operations. Having collected a flotilla of small craft at Leith and Musselburgh, he marched westward with a great part of his army, making a demonstration, as if to turn the Scottish intrenchments, or attempt the fords of the Forth, while his boats made an attack upon Burntisland; but the armament being beaten off from Burntisland, and the positions of Leslie too well chosen, to allow the other movements any chance of success, the English general returned to his old quarters about Linlithgow. Partial skirmishing took place daily between the armies, in which the Scots seem in general to have had the advantage, which the English letters from the army attribute, and probably with truth, to their superior local knowledge. But while attracting the attention of their opponents to the front of their lines, and to repeated attacks upon the strongly fortified point of Burntisland, an English detachment of about fourteen hundred men, under Overton, surprised North Queensferry. Sensible of their error, in leaving so important a passage so feebly protected, a strong body of forces were despatched from Stirling, under generals Brown and Holborne, to regain it, but they were anticipated by Cromwell, who threw over a powerful support, under

\* Nickol's Original Letters, and Papers of State, p. 62. Letters for the army. Perf. Diur. Cromwell's despatches.

Lambert, to secure the important advantage. A fierce engagement ensued upon the heights, which ended in the defeat of the Scots, who were almost entirely destroyed, nearly two thousand falling in the field, and five or six hundred taken prisoners, among whom was Sir John Brown, their gallant commander, severely wounded, and who only survived a few days. Inverkeithing and Burntisland were the reward of this victory, and great part of the English army being crossed over, they soon became masters of the whole of Fife. Cromwell did not long remain inactive, but marched straight to Perth, which was surrendered by lord Duffus, the governor, on the same day on which it was invested. By the loss of Perth, Charles' situation was rendered critical, yet not desperate, and had his ambition been only confined to the kingdom, which had so generously received him, his resources were not yet so completely exhausted as to have rendered it necessary for him to leave it. If Fife and Perth were occupied by the enemy, the west and the south were relieved; nor, while his army remained entire, could Cromwell boast of being master of more than what he had actually military possession of: the highlands were still open, and the route circuitous, yet supplies, although scanty, might have been obtained, and the clans of the north, if not formidable as a regular force, were terrible in desultory warfare. Cromwell dreaded another winter campaign, as productive of "ruin to his soldiery, for whom the Scots were too hard, in respect of enduring the winter difficulties of the country," besides the "endless expense to the treasury of the commonwealth."

Unfortunately, the king's advisers were equally tired of the fatigues of a protracted warfare; and considering the possession of Scotland as a secondary object, magnified the difficulties with which he was surrounded, and exaggerated the strength, ardour, and preparations of his adherents in England. If he remained where he was, they said, he must either starve, or fight under disadvantageous circumstances, as Cromwell now would have his choice of the ground, but the road to his capital was unobstructed, and his enemy might be distanced in the march, the presbyterians, disgusted with the dominion of the sectaries, were waiting to join their deliverers, and nothing was

wanting but the presence of his majesty to rouse a loyal people to declare in his favour. Argyle alone deprecated the idea of deserting a country where the royal authority was acknowledged, whose population had been so severely tried, and who had suffered so much in his cause, for the unpromising reputation of an invasion into a country where his title was proscribed, and another form of government established, especially as promises much more flattering had proved delusive, and when the miserable wreck of the last expedition remained still fresh before them, as a warning beacon. His influence, however, was gone, his reasons were rejected as pusillanimous, and he was permitted to retire to his estate, when, about the beginning of August, the Scottish camp suddenly broke up, and Charles marched for England. His army was estimated at eighteen thousand men, but it was made up of very discordant materials, rent into factions, and daily lessened as it advanced, by the desertion of the better informed, or more zealous presbyterians.

Cromwell was at Perth when the news reached him of the Scottish army's march south. It was what he had hoped might be the consequence of his own progress in the north, but he was rather surprised at its taking place so soon. His measures were as usual prompt: leaving a garrison in Perth, he sent general Monk, with between five and six thousand men, to reduce Stirling, and proceeded himself with the remainder of his forces in the pursuit. In his letter to the speaker, which announced the expedition of the Scots; accounting for his not interposing between them and England, and informing him of the arrangements he had adopted, he remarked the similarity of the situation of their army to what it had been at Preston, only characterized by more desperate folly, from the settled state of the country, and their own depression. They were then a proud unbeaten force, but now they were dispirited by repeated disasters; and he encouraged the parliament to hope for a still greater triumph. All his plans were formed with a sound foresight and discretion that ensured success. The king had gained some days' march in advance, but major-general Harrison, and colonel Birch, with upwards of four thousand horse, hung upon his flanks, intercepted his

recruits, and harassed his foraging parties. Lambert followed with another considerable body of horse, to hover in his rear, and act in concert with Harrison, as occasion required; and the council, by his instructions, collected the militia, and such troops as they could, on the spur of the moment, to obstruct their progress, and allow the main army, under the general himself, time to arrive.

Instead of finding, as he had been flattered, a people ripe for insurrection, Charles found the population submitting quietly to their rulers, every-where averse to change, and particularly inimical to his royal pretensions. A correspondence between the English and Scottish presbyterians, having been detected, it tended, as all discovered plots do, to strengthen the government it was meant to subvert. The presbyterians were afraid to venture upon any new scheme, and anxious to clear themselves from any connexion with the old; nor indeed had they much encouragement to act otherwise; for although their brethren in the Scottish camp had prevailed upon the king to issue a proclamation, forbidding all who would not take the covenant to join their army, the royalist party had procured letters to be sent to general Massey, who commanded the advanced guard, ordering him to suppress its publication, which letters being intercepted, all confidence in the councils of the king was destroyed, and the assertions of the independents confirmed, that he was a man totally devoid of principle, or, as they termed it, “himself the centre of malignity.” At Warrington bridge, the Scots had a skirmish with Lambert, who retired in disorder, and the royalists exulted in their already achieved triumph. But Leslie, who had never been sanguine in the enterprise, could not conceal from Charles his melancholy presages of a more dreadful issue.\* Their enemies were fast closing around them, and the march to the capital was given up in despair. Reduced, by distress and desertion, to between fourteen and sixteen thousand men, the worn-out troops demanded repose; and Worcester presented itself, where they might halt and refresh, while Massey proceeded to Gloucester, in the expectation of

\* Clarendon.

rousing and collecting his former adherents. Thither they proceeded, and immediately began to repair and add to the fortifications; but Lambert, Harrison, and Fleetwood, together with the militia, already outnumbered and hemmed them in, and the only re-enforcement they received, was the earl of Derby and thirty men, the remains of fourteen hundred, who had been met and dispersed by colonel Lilburn.

The young king, among whose qualifications personal courage never seems to have been conspicuous, when Derby arrived with the news of his defeat, was disposed to carry off the horse, and provide for his own safety, by a hasty retreat; but the foot mutinied, protesting their cavalry should not desert them, that since they must suffer, they should all fare alike. Had his majesty, however, even prevailed upon the cavalry to make the dastardly and treacherous attempt, all the avenues of escape were shut up. Cromwell had arrived with his veterans, and the royal army was completely environed. Some slight affairs of posts took place on the first and second of September, in endeavouring to repair the bridges over the Severn the Scots had broken down; but the third, the anniversary of the battle of Dunbar, was appointed for the general assault. Early on the morning of that day, lieutenant-general Fleetwood, who had passed to the south-west side of the river, marched upon Powick, a strong pass in possession of the Scots, to commence the attack in that quarter; by some hinderance he did not arrive, till between two and three in the afternoon, by which time, the Scots, apprized of his approach, had drawn out a considerable force, and lined the hedges, with which the ground everywhere was intersected. The reception he met was so warm, that Cromwell himself was obliged to advance to his support, over a bridge of boats, which he had constructed at that point, with a considerable number of his best troops, and every hedge and ditch was obstinately contested. Unable to contend with an accumulating host, the Scots were at last forced into the town; but rallying within, they rushed out with their whole force at the opposite side, in hopes of being able to overpower the portion of the English army which had been left there, before the others could recross and come up to their assistance.

Here the battle raged with alternate success for three hours, and the Scots had the advantage of the well-fought day, when the arrival of fresh troops snatched from their hands the transient success their desperate valour had won; they retired from the hedges to their unfinished intrenchments, nor did they surrender an inch of ground without a struggle; but the superior discipline and overwhelming numbers of their opponents prevailed. Fort Royal was stormed, their other works carried, and they fled in confusion again to the town, their own cannon playing upon them. The battle had lasted five hours; yet the confused noise of the victors and vanquished entering Worcester together, first informed the monarch for whose crown they were contending that there had been an engagement! Roused from his slumbers, for he had gone to sleep, Charles rushed into the street, and called upon his flying troopers to rally, but finding them deaf to his remonstrances, he chose the second best alternative, and accompanied the fugitives. This terrible conflict, the stiffest, as Cromwell repeatedly affirms, he ever witnessed, was decisive. Two thousand were slain, six or seven thousand were made prisoners in the town, besides those afterwards taken. Among these were the duke of Hamilton, who died of his wounds next day; the earl of Lauderdale, who survived a long confinement in the tower to be the scourge and the curse of his country; eleven other noblemen, and upwards of one hundred and forty persons of distinction. The royal standard, and one hundred and fifty-eight colours, with the whole baggage, the king's coach and horses, his robes of state, and the collars of his orders, were the prize of the victors. Since the battle of Flodden, never had Scotland known so foul a defeat, but that had inflicted no such extensive misery. The common soldiery who there escaped the slaughter of the day, returned to their homes, but here the miserable tenantry who had been dragged into the field, were either doomed to die in over-crowded prisons, or transported to foreign slavery in the plantations.

Charles' romantic escape after the battle, has made his historians pass lightly over his absence during the heat of the engagement, and the sufferings of the royal wanderer

have been allowed to atone for his doubtful courage : as they are the only portion of his life that do not merit almost unqualified censure, it would be unfair to omit them. When he had got at a considerable distance from the city, afraid of the danger of being in so great a crowd, he withdrew during the darkness of the night with two servants, whom he also dismissed about daybreak, after having made them cut off his hair. He then entered a wood, where he rested beneath a wide spreading oak, whose boughs were entirely covered with foliage. Captain Careless who had spent the night in the branches, descried the royal fugitive, and descending, invited him to take up his abode along with him in the heart of the tree, during the day, as it was probable the forest would be searched when it was light, and there was a chance of their remaining undiscovered, as the leaves were so thick ; then helping the king to get up, he himself followed, and they two remained secure among its umbrage. As Careless had imagined, numerous parties of soldiers entered the wood next day, many of whom they saw, and some they heard beneath the covert of their hiding-place, discoursing of how they would treat his majesty, if they only could catch hold of him. Night released them from their eerie ; and the king, weary with watching and faint with hunger, having fasted two days, was conducted by his companion to a woodman's cottage, whose owner, without knowing his quality, afforded him lodging in a barn, where he lay covered with hay, and brought him a piece of coarse bread and some buttermilk, on which he afterwards said he made the most delicious meal he had ever done in his life. Afraid of leading to a discovery, Careless left him here, whence, after resting two days, he proceeded disguised in his landlord's clothes, and under a new guide, to another equally mean dwelling, where his bedchamber was again a barn, and the royal banquet, porridge and cheese. His march had been dreadful ; through hedges, ditches, and brushwood, on his bare soles, for the woodman's shoes were so intolerably painful, that he was obliged to throw them away, and the thorns terribly lacerated his feet and legs ; frequently, in despair, he threw himself on the ground, with the desperate resolution of resting there till

morning, at whatever hazard, and but for the spirit, strength, and exertions of the countryman, who dragged him along, would have sullenly resigned himself to his fate. For some time he was led from place to place to avoid his pursuers, but without any certain plan for escape, only he remarked that he was never carried to any gentleman's house, but always lodged in wretched hovels, where his sustenance was coarse, unpleasant, and unpalatable, till he was taken under the guidance of Huddleston, a Benedictine monk, who officiated among the Roman Catholics in that quarter, and was sent to him by Careless. This *religious* conducted him to the houses of the chief people of that persuasion; who, being generally attached to the royal cause, and themselves and their priests liable to apprehension, had secret lurking holes, in which the wandering monarch frequently found more comfortable rest and refreshment, than in the rude habitations among which he had been lately. The long continuance of the civil wars was productive of this advantage, that men's characters were distinctly known, and each party could pretty accurately point out who were worthy of trust: Charles, therefore, was never under the necessity of seeking shelter in any house of suspicious or untried fidelity; yet he frequently encountered considerable risk, and experienced some remarkable escapes, more remarkable from the high reward offered for his apprehension. In the neighbourhood of Bristol, at Mr. Lane's house, he was recognised by the butler, but he kept the secret. At Lyme, a vessel was engaged to carry him to the opposite coast; but the master not having intrusted the secret to his wife, the lady, whose suspicions had been aroused by observing that something was going forward, and enraged at being kept in the dark, on the night when her husband was preparing for his departure, put her back to the door, and swore he should not move till he told her where he was going; or if he ventured to cross the threshold, she would go to the mayor, and have him taken up and examined as to who were his passengers. While the king was waiting at the inn for the captain, who did not come at the appointed hour, a smith observed that his horse's shoes were made in the north, and the suspicious intelligence being

communicated to a preacher, he instantly exclaimed, the stranger is Charles Stuart, and all were on the alert to obtain the prize; but his majesty had been alarmed at the shipmaster not keeping his time, and, by a precipitate flight, was out of the reach of harm ere the smith's knowledge, or the preacher's suspicion had roused the country. Going to Salisbury, on horseback, with a sister of colonel Windham's behind him, he rode through the midst of a regiment of horse, and passed Desborough walking down a hill with some of his officers, without being discovered. At last a vessel was procured at a small fishing town in Sussex, in which he embarked, and landed safely next day near Rouen, in Normandy, in the month of November.

Drained of troops, by the ill-advised, ill-fated expedition, Scotland presented no obstacles to the progress of the republicans, except a few towns, poorly fortified, and worse garrisoned. Stirling, which alone promised to make some appearance of resistance, surrendered to Monk almost without a shot; the highlanders who were left to defend it, gladly accepting, as the price of the fortress, permission to retire unmolested to their homes, with the goods of their more wealthy neighbours, which had been lodged within it for safety.\* Dundee, to which the mint had been removed, contained the riches of the surrounding country. It was repeatedly summoned to surrender, but refusing, it was, owing to the intoxication of the soldiery and townsmen, taken by storm, on the first of

\* Laing says, the records of the kingdom, which had been preserved on the surrender of Edinburgh castle, were retaken at Stirling, and were unnecessarily transported by Monk to the Tower of London. I apprehend the records which were found in Stirling castle, were only those records of parliament, which had been carried to Perth, and afterwards to Stirling. The records which were in Edinburgh castle at the time of its surrender, were taken by an English frigate, between Leith and Burntisland, and sent to London direct. Lamont's Diary, March, 1651. The parliament which met at Perth, instructed the clerk register to remonstrate with Cromwell upon the subject, which he did, both by letter, and personally. Balfour, vol. iv. p. 266. Acts of parliament, vol. vi. p. 586. And afterwards, when Cromwell was protector, a number of the principal public registers were restored, 1657. The rest were lost, amounting to eighty-five hogsheads full, after the restoration, in their passage by sea, during the winter season.

September; the garrison was put to the sword, the town delivered up to pillage, and the inhabitants, without distinction of age or sex, to massacre or dishonour. The spoil was estimated at more than two millions and a half. The brave governor, Sir R. Lumsden, was killed in cold blood, by order of the base and inhuman Monk, after he had quarter given; and the ministers, although they had advised the surrender of the place, were insulted,\* and sent prisoners to England, along with a number of the committee of estates, who had been seized at Alyth, where they met two days before, to concert measures for the defence of the country. Calculating upon Dundee making a vigorous resistance, the lord chancellor, the earl of Leven, lords Ogilvy, Crawford, Lindsay, and a number of other noblemen, had resolved to attempt its relief, but colonel Allured surprised them at their place of rendezvous, and dispersed their levies. "They were betrayed," says the genealogist of the house of Sutherland, "by William Buchan, general scoutmaster of the Scottish army, who conveyed and led the English thither, by a secret and quiet way."† Those who escaped of the committee met after, at Inverury, where Huntly was chosen preses, and it was proposed to create him captain-general; but the sudden advance of the enemy broke up that assembly, when all retired north of the Spey, except Huntly and Balcarras, who, in the month of September, submitted to the English.‡ The bloody execution done upon Dundee, terrified the other towns into submission, and the insignificant army which Cromwell had left with Monk was found sufficient to complete the subjugation of a country, which the more terrible array of the most powerful of the English monarchs had been unable to conquer. The English general secured the advantages he had gained, by placing garrisons in the chief towns in the kingdom.

Argyle, when he perceived that all was lost, sent a proposal to

\* "Their ministers wer verey auerse from holding out the tonne, bot wold had it rendered," " notwithstanding, the colericke merceylesse commander, wold not heire them speake one word in their owen deffence, bot in a rage, commandit Mr. Jo. Robertson, not to speake one word, which, if he presumed to doe, he would scobe his mouthe." Balfour, vol. iv. p. 516.

† Gordon's Genealog. Hist. p. 560.

‡ Lamont's Diary, p. 42. Milton's Political Papers, p. 79. Whitelock, p. 493.

Monk, for sparing the farther effusion of blood, and entering into a treaty; but received for answer, that no correspondence could be entered into, without the direction of the parliament.\* Almost all the other Scottish chiefs were ruined, dead, or in exile. Of two dukes of Hamilton, one had perished on the scaffold, and one upon the field. Their large possessions were forfeited, part bestowed upon the conquerors, and the rest scarcely adequate to meet the demands upon it, leaving the representative of that ancient family, a girl, heretrix only of the shadow of a mighty name. The earls of Lauderdale, Leven, Crawford, and Marischall, Rothes, Eglinton and his family, were prisoners in England, their possessions sequestered, and gifted to English officers. Lennox, Loudon, and Douglas, were in retirement. Overwhelmed with debt, and deprived of influence, Warriston had retired from public life, and associating only with the remonstrants, refused to join in any measures with the marquis.

So low was the nobility reduced, and so totally was the spirit of the people depressed, that when he invited a convention of estates to meet at Inveraray, to consider of resistance, or of terms to ask of the victors, he could find none to second him in the dark hour of his country's distress. He, however, commanded respect, and inspired the conquerors with moderation, by showing that despair might even yet render the vanquished formidable. He had fortified some of the highland strengths, and gathered his clan, nor were the English soldiers very anxious to prosecute the war among the mountains; their letters were filled at this time with sad pictures of the poverty of the country, the men and women of which, they represented as demi-savages, with "pladdes about their middle," inhabiting houses constructed of earth and turf, over whose roofs the horsemen were apt to ride, when they chanced to be careless; where nothing could be purchased for money, and where, in the month of July, they were scorched with heat, although the snow was still lying on the hills: the inhabitants speaking an unknown tongue, were every-where hostile, and rendered it unsafe for stragglers to leave the garrisons, nor

\* Balfour, vol. iv. p. 316-17.

although venison was plenty, durst they hunt it but in detachments.\*

After the surrender of Dumbarton, the marquis still refused, in a conference with major-general Dean, and some of the other English commissioners, to submit to the English commonwealth, and prepared for resistance, although very unequal to the contest. In consequence, his country was entered by several regiments of horse and foot; but it had been already so wasted, that its poverty was its protection, and the want of supplies from England, obliged the major-general, who was approaching through Lochaber, to retrace his steps. But returning afterwards unexpectedly by sea, from Ayr, Dean surprised the marquis at Inveraray, where he was confined by sickness to the castle, and while he kept him prisoner in his own house, extorted from him a reluctant submission. He had however, the melancholy honour of being the last man of any note in the country, who yielded to the pressure of the times, and acknowledged the resistless supremacy of Cromwell. An incident marked the respect in which Argyle was held by his vassals. The highlanders, who imagined their chieftain had not been treated with the respect due to his rank, assembled in considerable numbers, in one of the passes through which the English had to defile, and, from the inaccessible rocks on which they were stationed, threatened to overwhelm the intruders, until satisfied that they had not carried Argyle as a prisoner along with them. Others seized the castle of Tarbet, on the same pretext, during the absence of the greater part of the garrison, who had gone a nutting, from which they took ten barrels of gunpowder, five thousand weight of cheese, and twenty-six bags of biscuit: for this, however, they afterward made an apology to the major-general, who, politically, accepted it and not being too rigid in requiring restitution, his forces were treated with more kindness in that district, and their officers entertained at the expense of Argyle; whose interest demanded that he should use them with hospitality, when further hostility would only have aggravated his irremediable ruin.†

\* Whitelock, p. 514, 519.

† Whitelock, 503—6. Argyle's speech on his trial. Wodrow, App. vol. i.

Meanwhile the remonstrants who uniformly opposed, and who still dreaded the episcopalian and royal power united, even more than they did the sectaries; now when all the mischiefs which they had so clearly foreseen from the moment that the king was invited to return, were actually befallen the nation, endeavoured to procure terms similar to what Cromwell had offered after the battle of Dunbar.\* But the English parliament had resolved if possible, to prevent in future any annoyance from Scotland, by reducing it to the state of a conquered province, under the more palatable name of an incorporating union, and commissioners were immediately despatched to settle the affairs of the kingdom, and prepare for the accomplishment of so desirable an event.† They found on their arrival Scotland in a state of complete anarchy, the course of justice suspended, the cities without magistrates, or the magistrates without power, the country rent into political, and the church into both religious and political divisions, yet all averse to a union by which the independence of the nation would be annihilated. The ministers deprecated it as a surrender of the rights of Christ to submit to political authority in ecclesiastical matters; and the shires and the

\* Immediately upon the news of the defeat at Worcester, a day of humiliation was kept, by a number of ministers at Edinburgh, to implore the mercy of God, upon the wretched state of the country, and to confess their sin, in their too much compliance with their king; and afterwards they met together, to consult, as to what measures were to be pursued in treating with England; but their own unhappy divisions, prevented their coming to any conclusion. A committee, at the head of which, was lord Warriston, sate also about the same time, to consider privately, respecting the conditions of submission, to be proposed to the victorious parliament; they were willing to waive the question of monarchical government, to reduce the feudal influence of the aristocracy, and to abolish the exorbitant power of the ministers in political matters. Nicol's Papers, p. 79. Whitelock, p. 489.

† The commissioners were lord chief justice, Sir John, Sir Henry Vane, junr., major-general Lambert, major-general Dean, lieutenant-general Monk, colonel Fenwick, Alderman Tichburn, and major Solloway. They were to settle the peace of the country, not upon the principles of equality between independent governments, but upon the fallacious principles, which of late years, we have seen revive and perish, that of treating with the people without any reference to their government.

burghs saw in the loss of their parliament the destruction of their importance, and the loss of their liberty; besides throughout the whole land there was a strong feeling of respect for monarchical government, however different their sentiments were with regard to the present king. Their aversion to the measure was displayed by the tardiness with which the counties and towns proceeded to choose delegates to meet with the commissioners, nor was it without threats, promises, and force, that about a third of the number who had been summoned, could be induced to attend, and vote in favour of the proposal.\* A bill was however in conse-

\* **THE MINISTERS.**—The English general had already forbidden any covenant or oath being imposed by the kirkmen, without the authority of the English parliament; or any civil officer to molest the persons or estates of the excommunicated, or prevent others from trading and using the common intercourse of life with them: the ministers conceiving this an intrusion upon their ecclesiastical rights, had taken the alarm, and drawn up a letter for Cromwell, expecting that he would have had the sole direction of Scottish affairs, in which they deprecated “an incorporating union with England, as what would draw on a subordination of the church to the state in the things of Christ, introduce magistrates of principles contrary to the church, and tolerate the gathering of private churches and the preaching of troopers.” Cromwell not returning, Warriston presented the letter to Lambert, who laid it before the commissioners. They felt neither the same horror at toleration nor at lay-preaching; but were willing to maintain the established form of church government, so long as it did not intermeddle with politics, nor urge its own exclusive protection: and in reply, they issued a declaration, “That, for promoting of holiness, and the power of godliness, all care should be used for publishing the gospel of Christ in all parts of the land, and for the maintenance of the faithful dispensers thereof; and care taken for removing of scandalous persons in the work of the ministry, and placing others, fitly qualified with gifts for instructing the people, in their stead; and encouragement be given from all authority to such as shall join in the service of God, according to the usage of the church of Scotland, in their peaceable and inoffensive exercise of the same: and others not satisfied with that form, shall serve and worship God in any other gospel-way. That all magistrates who lived peaceably, and exercised their functions as terrors only to evil-doers, should be protected by them; and that all merchants, tradesmen, and craftsmen, possessing estates not above £500, and all others under £200, soldiers and moss-troopers excepted, should be freed from all forfeitures, molestation, or trouble, for any thing they had done during the war.” The remonstrants, in their aversion to prelacy, the restoration of which they justly considered

quence brought into the English parliament for the union of Scotland with the commonwealth and committed; but the forcible dissolution of that renowned assembly prevented the completion of that work, as a regular transaction between the two kingdoms.

But when Cromwell seized the reins, in the instrument of government, constituting the empire a protectorate, the incorporating union of Scotland with England was declared, only the number of representatives to be sent from that section of the state, as well as the proportions for the counties, cities,

as inseparable from the restoration of Charles, were less opposed to an union with England, which secured them from the danger of a persecuting hierarchy, than the resolutionists; who either believed, or affected to believe, in the sincerity of the king's conversion to the covenant, and continued to offer up prayers for his safety, as their lawful king. This added another to the almost interminable divisions in the country; some presbyterians refusing to allow the declaration to be read in their pulpits, and others expressing their approbation of the proposed union.

**THE SHIRES.**—Previously to the arrival of the commissioners from England, the gentlemen of Fife met, and prepared letters and commissioners, to be sent to every county, inviting deputies to attend their arrival, and make proposals; but the parliament of England ordered the council of state to take care that no meeting should be suffered in Scotland, under any pretence of consulting upon matters of government.

**THE BURGHS.**—The capital and some of the principal towns were without magistrates, because no one would venture, without authority, to exercise an office, by which he might be made liable for the debt of the community, and ultimately refused any legal resource. A committee of the citizens of Edinburgh, consisting of three merchants and three tradesmen, immediately upon the arrival of the commissioners, waited upon them at Dalkeith, to invite them to the city, and solicit them for a restitution of their magistracy. A protection was granted to the city, and a new charter for the election of magistrates. The power of election appears to have been, by this deed (the original of which is now lost), left undecided between the council and the whole body of the citizens, but “at a meeting of the neighbours:” it would seem the said neighbours devolved this task on the former council, which was empowered to nominate the new one—a precedent, the authority of which has outlived these turbulent times. Dundee, upon a similar application, received a similar return. But these favours appear to have been coupled with a requisition, that the new magistrates should choose deputies for arranging the proposed union. Maitland's Hist. of Edin. p. 91. Lamont's Diary. Whitelock, *ut supra*.

and burghs, was left to the determination of the protector and major part of his council. Shortly after Oliver was named by his officers, protector, he issued an ordinance for perfecting and completing that union. In it the people of Scotland were discharged from all fealty and allegiance to the house of Stuart; and the separate monarchy of Scotland, together with the authority of the three estates, was formally abolished; and the number of members to sit in the united parliament for Scotland and the isles fixed at thirty. The other provisions of this act were highly favourable to Scotland, and not less remarkable for their good sense than their beneficial tendency; had they been carried into effect they would have anticipated by a century the improvement of the country. All customs and imposts upon the export or import of goods from either country to the other were taken off, and both were to enjoy the same privileges and freedom throughout the whole territories of the commonwealth. The system of feudal vassalage and servitude hitherto exercised in Scotland, by which estates were held under tenures of personal service, was done away; and all heritors, proprietors, or possessors of lands, were freed from any other demand upon them than the fines due upon the death of the lords, or the death or alienation of the tenant, and these in no case to exceed one year's value of the property; all hereditary territorial jurisdiction of the chiefs was at the same time suppressed. But few Scottishmen of rank were ever returned to any of Cromwell's parliaments; the majority consisted of English officers, or persons in the employment of government.

“ Of a long time,” says Baillie, “ no men in the whole isle did mute;” the episcopalians bent to the storm, and when it was perilous to contend for the church or king, they left them both to that divine protection which they claimed by right, and were content themselves to repose under a more visible, and what they deemed more secure, albeit they styled it, an execrable authority. The presbyterians yielded only to necessity, and never surrendered their religious or political principles, even when they submitted to physical force; and to them alone, in the day of his deepest distress, could the

fugitive Charles look for any glimmering of hope; but they were split into factions, whose different religious views, augmented by their political antipathies, prevented them from uniting in any scheme for the recall of the king. When the general assembly, which met at St. Andrews, approved of the resolutions of the commission respecting malignants, the remonstrants refused to acknowledge the authority of that assembly, and protested against it as pre-limited. The assembly, in return, deposed three of the leading ministers, and suspended one; but the protestors, as they were now called, remained firm, and renewed their opposition in the next assembly, though with as little success, and their party, increased in number, were prepared for a still farther trial of strength, when Cromwell effectually prevented the meeting of any more assemblies. This dispute was not, however, a mere contest respecting the propriety of a measure which the protestors considered as having involved both cause and country in ruin, it involved also the question, whether the nation was bound by the covenants to endeavour, even then, the recall of the king, and the promoting of religious uniformity, or whether they ought to accept of the toleration offered by the English commonwealth, employ themselves in the duties of their stations, and, as the case of royalty seemed to be desperate, to avoid engaging in any attempts against a government which protected their civil rights, and did not encroach upon their religious liberty.\*

The dissensions upon this subject continued till the restoration, when, as Wodrow remarks, “the whole honest presbyterian ministers were sent to the furnace to unite them;” but the account of them belongs properly to ecclesiastical story, and, not being immediately and necessarily connected with the political, I omit them in this work, as possibly some of my readers may think I have already intermingled too much of the church with the civil history; but it was the fault of the

\* The presbyterians were only forbid to hold general assemblies: their presbyteries and synods were not interrupted, nor were any of their religious meetings disturbed; only, they were not allowed to interfere in politics—how different from the days of the Stuarts!

times; nor do I think an historian would present a faithful portrait of that period, if the most prominent feature were omitted in the picture.\*

Two disastrous campaigns had despoiled Scotland of upwards of thirty thousand of her youth, the strength and the hope of the country; two considerable armies, which, under proper management, ought, at least, to have secured her safety, and preserved her independence, had been broken down and destroyed; and her remaining military population, disheartened and disjointed, was miserably thinned. Yet, even in these circumstances, his advisers projected, and Charles encouraged, another attempt to rise and renew a contest, in which so much of the best blood of the country had been so

\* Mr. Laing gives a caricature of the state of the church:—"The remonstrants," he says, "were inferior in numbers; but this defect was compensated by more outrageous devotion and violence; a more fanatical worship began to prevail; long and frequent extemporary sermons, of which the constant topic was the corruption of a regenerated church; [Qy.] more vehement and incessant prayers; and a prophetical intonation, which it is impossible to describe. The settlement of a new minister was dishonoured by indecent tumults: the rites were not unfrequently defiled with bloodshed; and the people were disfigured and dispersed by blows and wounds." Vol. iii. p. 499. The authorities on which he relies are Baillie, Whitelock, and Burnet. But Baillie, although an honest man, and well-informed in what regards the proceedings of the resolutioners, is a partial and prejudiced witness respecting the remonstrants: nor will his judgment of what constitutes good preaching stand very high, who could characterise Leighton, Traill, and Andrew Gray's sermons, as composed in "a high, romancing, and unscriptural style; tickling the ear for the present, and moving the affections of some, but leaving little or nought to the memory or understanding!" Whitelock is, as I before remarked, not to be implicitly trusted, wherever he can get a sneer at the Scots or the presbyterians; and Burnet is by no means accurate. For a true account of the religious state of Scotland, we must have recourse to the writings of the different parties themselves, compare their statements together, and weigh the different inferences they severally draw from the same facts which both admit. That much animosity existed there is no doubt; but that any such excesses as Mr. L. depicts took place, does not appear upon the record. Before the secession afforded an easy remedy for similar disturbances, I apprehend the forcible settlements in later days were as bloody and as disgraceful as those in the days of the remonstrants: but this subject I intend to illustrate in a separate work—*A HISTORY OF THE CHURCH OF SCOTLAND, AND ANNALS OF THE PERSECUTION*—which I propose publishing as a companion to the present History, when finished.

unprofitably spent; but the correspondence was intercepted, and Glencairn and Balcarres were forced into a premature insurrection, which their mutual ambition for command, and consequent dissensions would have rendered abortive, had their means been more powerful, or their opportunities more favourable than they were. In the month of August, one thousand six hundred and fifty-three, the earl of Glencairn retired to the hills of Athole, where a number of the heads of the clans met him—Glengarry, Lochiel, Blackadder of Tulliallan, and others, and soon after they were joined by lord Kenmore and the marquis of Lorn, who had been attracted by the imposing manners of Charles when in Scotland, and now preferred what he considered as his exiled monarch's interest to the more prudent and patriotic temporizing policy of his father. The war with Holland, in which the commonwealth was engaged, had occasioned Monk to be recalled to undertake a naval command; and reports were every-where widely spread of the defeat of the English at sea, the great exertions the United Provinces were making to carry assistance to the king's friends in Scotland, and the powerful supplies of men, arms, and money, which had been procured among the favourers of distressed royalty abroad. These rumours, so diligently spread in the unsettled state of the country, together with exaggerated accounts of some trifling affairs: one, a successful skirmish in the romantic pass of Aberfoyle, where the path, running between the water and the mountain, afforded the Highlanders an opportunity of defeating a superior force; and another at the celebrated Trossachs, since famous in poetic fiction, attracted round Glencairn considerable numbers of young men of family.

In a proclamation, headed by prophetical encouragement and exhortation,\* the earl “called upon all true royalists

\* His motto was, “In that day, saith the Lord, I will break his yoke from thy neck, and burst thy bands, and strangers shall no more serve themselves of him.” “O! thou sword of the Lord, how long wilt thou, ere thou cease? turn again into thy scabbard, rest and be still. How can it cease, seeing the Lord hath given charge against Ashkelon, against the sea bank, even there bath he appointed.” “Cursed be he that doeth the work of the Lord deceitfully; and cursed be he that keepeth back his sword from blood.” In

who detested the monstrous republic, builded with the bones, and cemented with the blood of their dread sovereign, who loved presbytery and hated toleration, who acknowledged obedience to their righteous king, as the father of their country and God's vicegerent upon earth, who did not wish to degenerate from the spirits of their ancestors, who would never bend to a foreign yoke, Roman, Pict, Dane, British, or Saxon, to join with his army, and their brethren, the Highlanders; whose praise it was that loyalty and obedience to lawful magistrates could never be banished out of their hearts, whatever else might be alleged against them; nor would they admit easily of innovation in matters of religion, so that the most scrupulous might join with them in this cause without hurting their conscience, separating only from their vices, if any should appear." His call created considerable sensation in the districts lying near the Highlands. Almost all the serviceable horse were stolen, and sent to the insurgents; and many dissatisfied, restless characters, or old disbanded soldiers, repaired to the mountains.\*

speaking of the grounds of the present engagement, he uses the following expressions:—"As to religion, we do conceive it to be a main and chief blessing of God toward Scotland, that he vouchsafed upon us purity of ordinances, and established, in some measure, church government, according to the apostolic institution and the pattern of the best reformed churches: but this being the eye-sore and butt of malice to that prevailing party of sectaries, they have broken down the hedge, and setting up their idol of toleration, that abomination of desolation, hath introduced innumerable swarms of sects and heresies; so defacing the truth of religion, and destroying the tender vine planted by the right hand of the Most High, to the reproach of the gospel, the endangering the souls of many thousands, simple and unstable; the hindrance of reformation according to the covenant, and the advantage and the rejoicing of the enemies of the protestant religion; which we are deeply engaged to maintain, with our lives and fortunes, to the uttermost of our power." Thurlow, vol. i. p. 210. Yet this very man, and the greater part of those who joined him, within a few short years, burned the covenants, persecuted to death its adherents, and stigmatized, as hypocrites and fanatics, all who, staunch to their profession, preferred suffering to a dereliction of principle!

\* Kenmore is represented as being an excellent recruiting officer in another line:—"He marcheth with a runlet of strong waters, which they call *Kenmore's Drum*." "Kenmore rambles up and down the country with his bar-

Increasing as he went, Glencairn marched north, in expectation of being joined by the vassals of the house of Gordon. On his route he had some encounters of varied success with general Morgan at a glen, in Braemar, and a pass near the laird of Grant's country, but reached Badenoch, about the end of the year, with a considerable force.

Thence he despatched Kenmore to Kintyre, where Lorn had been recruiting, who, after quarrelling with his lordship for his tenderness to his father's tenants, returned discontented to headquarters, followed by Lorn with about a thousand foot, and fifty horse. When he arrived, all was insubordination and confusion; Balcarres refused to submit to Glencairn's command, and insisted that the army should be managed by a committee, to which none should be admitted who did not swear the solemn league and covenant. At length, when the king's commission, appointing Glencairn, captain-general, was produced, all ostensible opposition was quashed; but the silent discontent of the disappointed chieftains increased, and they contrived to have their complaints conveyed to his majesty. This correspondence being discovered, Balcarres retired from the party, and passing through England in disguise, joined Charles on the continent. Lorn likewise withdrew, and carrying off his troops, Glengarry and Lochiel were despatched with a strong body of horse after him, to force him to return. He escaped however with a few mounted followers, and the remainder of his soldiers, after apparently joining their pursuers, took the first opportunity of deserting to their chief, or returning to their homes.

Nearly about the same time, colonel Wogan arrived from England, and joined Glencairn with from eighty to a hundred gentlemen, well armed and mounted. This gallant cavalier—whose dashing exploit has been greatly magnified beyond either its worth, or its merit, by the ultra-royalists, who were content to admire, rather than emulate such daring—at the commencement of the war, was an adherent of the parliament,

rel-drum of aqua vitæ: their numbers are augmented by desperate people, sequestrate, sequestrable, or much in debt." App. to Military Memoirs of the Great Civil War, pp. 209-12.

but the death of the first Charles proselyted him to royalty. He was then promoted to command the duke of Ormond's guard in Ireland, and came with him to France, to the court of the exiled king: but having there heard of the disturbances in the Highlands, he determined to join the insurgents. In opposition to the advice of his majesty, he set out for London, where he remained for a while undiscovered, and after communicating with some of the most spirited royalist adventurers throughout the country, the band contrived to elude the vigilance of Cromwell; and travelling in small parties, in disguise, and as officers of the commonwealth, reached the mountains of Scotland in safety. Instead of an effective, he found a disorganized body of men, whose leaders were more intent upon personal aggrandizement, than the service of him they acknowledged as sovereign. But the fine accoutrements of his troop were the envy of his ragged associates, while the enthusiastic enterprise, of which he was the soul, excited their admiration, and he perished, perhaps not prematurely for his fame, through the unskilful treatment of an ignorant surgeon. He had charged with his English royalists from an ambuscade near Drummond, in Athole, a party of English republicans, and staggered a troop of the Brazen-wall regiment, one of Oliver's invincibles, when he received a trifling wound, which, through mismanagement, proved fatal.

Although the disputes among the chiefs paralyzed the exertions of the insurgents, yet the daily accession of all who were discontented with the new order of things, who were outlawed, desperate, or in debt, rendered the army under Glencairn far from being despicable in point of numbers; and, in expectation of meeting the expected supplies from the continent, he marched without molestation through the lowlands of Aberdeenshire, for the province of Moray, where he fixed his headquarters at Elgin. Learning while here, that Middleton, from Charles, had arrived in Sutherland, he proceeded through Morayshire to receive him, burning as he went the houses and farm-yards of those who were either dubious, or disinclined to the cause: Morgan with the English veterans kept close at his heels, and

occasioned by his activity considerable diminution in his numbers ere he reached Dornoch; yet still, under able, enterprising, and united officers, the mountains might have been defended, and the extinction of the royal cause delayed, but discord seemed to be inseparable from any collection of Scottishmen of that age, sacred, civil, or military.

Hardly had Middleton entered on his command, than this propensity betrayed itself among the royalist leaders, in a very characteristic manner. On Glencairn's resigning his commission, Middleton gave him and the other officers an entertainment at headquarters, which his lordship returned by a feast at his own house, at Kettle, a few miles distant from Dornoch: after dinner, the landlord pledged their new general in a glass of wine, and recommended to his particular notice the gallant army that he and the noble gentlemen with him, had raised out of nothing for his majesty's service. Immediately Sir George Monro, Middleton's lieutenant-general, starting to his feet, and interrupting Glencairn, exclaimed, "By God, the men you speak of, are no other than a pack of thieves and robbers: in a short time I will shew you other sort of men!" at which, Glengarry rose in a passion, but Glencairn stopped him, saying, "Forbear, Glengarry, it is I that am levelled at:" then directing himself to Monro, told him he was a base liar, for they were neither thieves nor rogues, but much better men than he could raise. At this, Middleton interposed, and told them he did not think that the way to promote the king's service, to quarrel among themselves. "I will," said he, "have you both to be friends, and calling for wine, said, my lord Glencairn, I think you did the greatest wrong, in calling Sir George a liar; you shall drink to him, and he shall pledge you." Glencairn immediately complied, but Monro haughtily refused either to drink or to pledge; and in this humour they parted. In the evening, the earl received a challenge from Sir George, and at dawn next morning,—Sunday,—the parties met a short way from Dornoch. Monro accompanied by his brother, Glencairn attended by his trumpeter. They were both on horseback, armed with pistols and broadswords. Having fired without

effect, they drew, and after a few passes, Glencairn gave his opponent a severe cut on the bridlehand, on which, he called out he was unable to manage his horse, and hoped the earl would alight and fight it out on foot. “Ye carle,” replied Glencairn, “I will let you know I am a match for you, either on foot or on horseback; and both alighting, at the first beat, my lord gave him a sore stroke on the brow, above an inch above his eyes, which bled so much that he could not see. His lordship was going to thrust him through the body, but John White, his man, pushed up his sword, and said, “you have enough of him, my lord.” His lordship in a passion gave John a stroke over the shoulders, and then took his horse and came to his quarters. Monro and his brother went to the headquarters, but with much ado, for the bleeding at the head and hand.\* This duel was followed by a more fatal one between two inferior officers, who espoused the quarrel of their superiors, in which Monro’s champion was run through the body by his opponent, and died on the spot. The murderer being seized, was tried by a council of war, and shot at Dornoch cross that same afternoon, in spite of all Glencairn’s endeavours to save him; and in consequence, his lordship separated from the main army in disgust.

Such an inauspicious commencement had exactly the termination that might have been expected. The valuable time when the attention of Cromwell was distracted by the internal state of England and the Dutch war, was allowed to pass away without any vigorous exertion, and now when England was settled, the Dutch war ended, and the rest of Scotland tranquil, the protector despatched Monk to reduce finally the discordant fragments of resistance that the hills and the north of Scotland continued to exhibit. As soon as he arrived, Monk collected a considerable force, and marched for Aberdeen, whence he proceeded in two divisions towards the Highlands in pursuit of Middleton. Morgan leading the one, and himself the other. At Lochgarrie, Morgan came up with the royalists unexpectedly, and attacked them briskly;

\* Account of Glencairn’s Exped. p. 178.

a gallant resistance was made by a few English gentlemen; the rest fled at the first onset, and night approaching, they dispersed among the hills, and were never again collected. A few followed the general into Caithness, where starvation completed the work of the sword. Middleton's baggage and papers were taken, but he himself escaped to the continent, to return afterwards to his country in a more mischievous character.

Glencairn, upon leaving the north, went westward, and roamed about Lennox with a small body of volunteers, who distinguished themselves in several petty skirmishes; one of which, is said to have rendered their conditions of surrender more favourable, from the respect with which their boldness had inspired the enemy. The treaty had at one time been broken off, when his lordship hearing that there was a party of cavalry quartered at Dunbarton, ordered two hundred of the best mounted horsemen he had, under the command of Sir George Maxwell of Newark, to pass the Leven at a ford, within four miles of the town, and endeavour to surprise them. No sooner had Sir George crossed the river, than setting off at full gallop, they entered the place about one o'clock while the enemy were quietly at dinner, and dispersed the party, killing about thirty, and making a few prisoners, besides obtaining all the horses and two hundred bolls of corn. There was, however, no rational prospect of advantage from protracting a petty predatory warfare; and on the fourth day of September, one thousand six hundred and fifty-four, a treaty was concluded with this small band; the conditions of which were, that all the officers and soldiers should be secured in their lives and fortunes, and should have passes to carry them to their respective homes. The officers were allowed their horses and arms,—to wear their swords always; the soldiers were also allowed their horses, but were required to deliver up their arms, for which, however, they were to receive full value, the value to be fixed by persons mutually chosen, two by Glencairn, and two by Monk: and the conditions were honourably fulfilled on the green below the castle, where two tables were placed, at which the sol-

diers delivered up their arms, and received their passes and their money.

From the time of this pacification till the restoration, Scotland enjoyed a state of internal tranquillity which the country had never before known; nor was it so much the gloomy quietude of a subjugated people, as the rest of a state, which after having been torn by contending factions, and harassed by alternate proscriptions, finds repose under the sway of a ruler, whose talents have exalted him to pre-eminence, and the splendour of whose fame reconciles them to obedience; while the anarchy from which they have escaped, makes them rejoice in the vigour of a government that ensures individual security, without reverting too eagerly to the source from whence it sprung, or the means by which it is supported. Cromwell's government in Scotland, which all parties concur in praising, receives a deep relief from the wretched, wavering, and tormenting despotism, of her two native kings who preceded, and from the dark, capricious, and bloody tyranny of their two descendants, who followed the protectorate.

The civil administration was intrusted to a council of state composed of nine—general Monk, lords Broghill, Charles Howard, colonels Scroope, Desborough, N. Whethen, and Cooper: lord Broghill was president; but only two Scottishmen, Lockhart and Swinton, were admitted.\* Their powers were extensive, reaching to every department of revenue; they had the nomination of all the officers of customs, excise, and sequestrations; with the appointment of inferior judges and justices of the peace: their sanction, likewise, was necessary to entitle the ministers to draw their stipends, a kind of patronage which the dissatisfied party never failed to stigmatize as erastian. The police of the country was committed to the military, whose deportment was remarkable for sobriety, gravity, and general peaceableness, although some of them occasionally annoyed the presbyterian congrega-

\* The Great Seal of Scotland, during the protectorate, was a figure of Cromwell on horseback, with the motto, "Oliverius Dei Gratia Recip. Angliae, Scotiae, et Hibernia, Protector:" on the reverse, the arms of Scotland; and under, "Pax quæritur bello."

tions, by voluntarily choosing the stool of repentance as their seat when they attended sermon, and sometimes entering into public disputations with the preacher.

Among the causes which contributed to render these few years the happiest Scotland had enjoyed for centuries, were,

I. THE TOTAL ABSENCE OF RELIGIOUS PERSECUTION.—The kirk was deprived of the power of inflicting civil penalties; or, what is nearly similar, the magistrates were forbid to enforce the civil penalties annexed to ecclesiastical censures; and the ministers, having no longer the secular arm to appeal to, applied themselves more to the instruction of their people, and to their immediate and proper pastoral duties than to those political dissensions which had so much divided them. The dreaded toleration of sectaries, so far from hurting the presbyterian system, seems to have purified and invigorated it, by exciting the zeal and emulation of the ministers, who began to look upon the questions, which had of late divided them, as matters of inferior moment.\* The synods and presbyteries were, however, allowed to meet unmolested; nor were the ministers otherwise disturbed than by being threatened with a deprivation of their salaries if they continued openly to pray for the restoration of Charles Stuart as king of Scotland: a moderate penalty compared with the infliction which some of them afterwards endured for praying for his conversion!

II. THE IMPARTIAL ADMINISTRATION OF JUSTICE.—From an early period the Scottish bench had been proverbially notorious for its subservience to the ruling party, even in cases of private property; and the inferior judges were, besides, particularly liable to partiality, from family influence or attachment. To counteract this, English officers were appointed to the commissary and sheriff courts, whose decisions were guided by the dictates of plain, common sense, unfettered by the technicalities of law: in consequence, their processes were always shorter, in general more equitable; and never, as sometimes happens even in our own day, ruinous to the gainer. In the higher court, four English and

\* Kirkton's History of the Church of Scotland, p. 55, et seq.

three Scottish judges were appointed, in order that a corrupt majority might be prevented; and at the same time, their proceedings be regulated according to law; but their decisions are rather marked by sound sense, than by the subtleties of legal discrimination, and were long remembered as the purest and most vigorous dispensation of justice which the nation had enjoyed: nor did the foolish and mischievous persecution of old women, as witches, stain the records of the court during the whole of that period. It is, however, curious to remark, how abuses creep into public institutions, and how much more easy it is to get rid of real practical reformation, under the pretence of innovation, than to get rid of a real temporary and burdensome innovation, if lucrative, after its usefulness has expired. The use of voluminous, expensive, written memorials, which render Scottish suits so tedious, and which originated in the English judges' ignorance of Scottish law and the refusal of the principal advocates to plead at their bar, has survived both the restoration and the revolution, which swept away many of their excellent regulations for economy and despatch.\*—And lastly—

THE ENCOURAGEMENT OF COMMERCE.—The Scottish nation, during the protectorate, not only enjoyed all the advantages of free intercourse with England, but bodies of enterprising English merchants were encouraged to form establishments in Scotland. Among other manufactories, glass-making was practised in the citadel of Leith. Tradition reports, that the art of knitting stockings, and the planting of kail, were introduced by the soldiers of Cromwell; but the better authenticated facts of the importations from England to supply the wants of the army, and the quantity of money spent by the soldiery, may be considered as among the fortunate circumstances which operated for the encouragement of trade. His men paid punctually whatever they purchased; and if the taxes imposed for their support were more than what would have been raised had they been absent, they were consider-

\* Baillie, vol. ii. p. 395. Burnet, vol. i. p. 84. Laing, vol. iii. p. 498.  
Whitelock, p. 570. Thurlow, vol. iv. p. 250.

ably under the money expended by them in the country: the number of troops varied from nine to twelve thousand.\*

But the breathing time which Scotland had enjoyed was drawing to a close. Cromwell, who, whatever may be thought of the means by which he attained power, had shown himself, in its exercise, every way worthy to reign, now found that successful ambition was but a worthless thing, and that to endeavour to render a people great and happy, is not always the certain road to ensure their gratitude: to acquire their affection, it is often as necessary to humour their prejudices as to consult their interest. In his civil and domestic administration, he had displayed a regard to justice and clemency, which his enemies were constrained to admire. The chief offices of the courts of judicature were filled with men of integrity; and, amid the virulence of faction, the decrees of the judges were upright and impartial. His own court was under an exact discipline, and presented an example of domestic purity seldom

\* The estimate of the monthly charge for the army in Scotland, dated July, one thousand six hundred and fifty four, amounted to £41,235 : 17 : 9. The assessment laid upon Scotland was £10,000 a month, but owing to the depressed state of the country, there could not be more than £4000 collected, which left a balance to be remitted from England monthly, for the pay of the troops, of £37,000. By the state of the public accompts, at the end of the same year, the army expenditure, including about £23,000 of arrears, was £504,935 : 2 : 11 $\frac{1}{2}$ , of which had been collected in Scotland only £45,000. On the 25th December, a balance of £60,415 : 12 : 7 $\frac{1}{2}$  remained due, and the difference had been paid out of the assessments of England. Thurlow, vol. ii. p. 476. vol. iii. p. 45. But this being during the insurrection under Middleton, the sums were larger than afterward. The civil list for the same year, amounted to £21,428. The council of state and officers, £7791. Commissioners for customs and excise, with their officers, £4660. The court of exchequer, £1850. Supreme court, £4680. Keepers of the great seal and signet, £300. Court of admiralty, £95. Ministers, £480. Heriot's and a military hospital was also charged on the civil list, £1572.

The amount of the inland excise farmed in the shires was £4087 per month. The amount of customs and excise levied at the ports for the last three months of the year was £2226 : 15 : 10 $\frac{1}{2}$ . Their proportions show the distribution of trade: Leith was £674 : 13 : 1 $\frac{1}{2}$ . Borrowstownness, £382 : 0 : 4 $\frac{1}{4}$ . Burntisland, £125 : 10. Inverness, £129 : 17 : 7 $\frac{1}{2}$ . Glasgow, £381 : 3 : 1 $\frac{3}{4}$ . Ayr, £90. Dundee, £243 : 11 : 9. Aberdeen, £200.—Revenue for the year may be estimated at between £56,000, and £57,000. Thurlow, vol. iv. p. 527-530.

seen in the palaces of kings.\* No man was disturbed for his religious opinions while he behaved as a peaceable subject; commerce flourished, and the arts of peace were encouraged; the public revenue was managed with frugality, or expended upon truly public objects; the nation was feared and respected abroad; and, while his councils dictated to France, his mandates awed at the same time the Vatican and the Escurial, relieved the Turkish captive and the persecuted protestant; in the Indies, and in Europe the name of England was an object of terror and admiration. But neither the glory nor the prosperity of their country could gratify the royalists, who sighed after the departed splendour of the crown; nor could the republicans brook the exaltation of one who had set out in the same career with themselves; there were, besides, two parties in the church, the episcopalians who had enjoyed, and the presbyterians who wished to enjoy an exclusive establishment, to whom the tolerant principles of the protector rendered him almost equally obnoxious. His latter years were disturbed by constant plots among the violent and disappointed partisans of all factions; and a dread of assassination, for which Charles

\* The following description of the court of Charles II. is by Evelyn, a devoted royalist. "I can never forget the inexpressible luxury and profaneness, gaming, and all dissoluteness, and as it were total forgetfulness of God, it being Sunday, which this day se'ennight I was witness of. The king sitting and toying with his concubines, Portsmouth, Cleveland, and Mazarine. A French boy singing love songs in that glorious gallery, while about seventy of the great courtiers, and other dissolute persons, were at basset round a large table; a bank of at least £2000 in gold before them, upon which the gentlemen who were with me made reflections with astonishment." Mem. vol. i. p. 585. Jongestall the Dutch ambassador, in a letter, 28th April, 1654, thus describes an entertainment given to him by Cromwell, upon the conclusion of the peace between the two nations. "Yesterday, at noon, we were invited to dinner to his highness the lord protector, where we were nobly entertained: Mr. Strickland and the master of ceremonies came to fetch us in two coaches of his highness, about half an hour past one, and brought us to Whitehall, where twelve trumpeters were ready, sounding against our coming: my lady Nieuport and my wife were brought to his highness presently, the one by Mr. Strickland, and the other by the master of the ceremonies, who received us with great demonstrations of amity. After we staid a little, we were conducted into another room, where we found a table ready covered. His highness sat on one side of it alone, my lord Bevering, Nieuport, and myself, at the upper end, and the lord president, Laurence, and others, next to us. There was in

had offered a reward, and which a republican enthusiast had advocated,\* added to all the cares by which he was surrounded, shook even his iron nerves,† and hastened his dissolution: he died of a tertian ague, on the 3d of September, one thousand six hundred and fifty-eight, a day which he reckoned auspicious, from its being the anniversary of the battles of Dunbar and Worcester.‡ He was 59 years of age.

the same room, another table covered for other lords of the council and others; at the table of my lady protectress dined my lady Nieuport, my wife, my lady Lambert, my lord protector's daughter, and mine. The music played all the while we were at dinner. The lord protector had us into another room, where the lady protectress and others came to us, where we had also music, and voices and a psalm sung, which his highness gave us, and told us, that it was yet the best paper that had been exchanged between us; and from thence we were had into a gallery next the river, where we walked with his highness about half an hour, and then took our leaves, and were conducted back again to our houses after the same manner as we were brought."

\* In a pamphlet entitled, *Killing no Murder.*

† In the Cromwelliana, there are two fac similies of Cromwell's signature, in the one, "O. Cromwell," dated October 15th, 1651, the strokes are bold and firm. The other, "Oliver P," dated August, 1657, is in a weak trembling hand, and not one even line in it.

‡ A number of discordant accounts are given of the death of Cromwell. The following is extracted from a pamphlet entitled, *A Collection of several passages, concerning his late highness, Oliver Cromwell, in the time of his sickness, &c.: written by one that was then groom of his bedchamber, [major Butler,] Quarto, London, 1659.* "After his return to Whitehall, his sickness increasing upon him, he was observed to be in a very spiritual frame of heart, and full of holy expressions, a little whereof, it was my comfort to meet with, the very night before the Lord took him to his everlasting rest, which were to this purpose following, viz. "Truly God is good, he is—he will not"—there his speech failed him; but as I apprehend, it was, 'he will not leave me.' This saying that God was good, he frequently used all along, and would speak it with much cheerfulness and fervour of spirit in the midst of his pain. Again he said, I would willingly live, to be farther serviceable to God and his people, but my work is done, yet God will be with his people. He was very restless most part of the night, speaking often to himself, and there being something offered him to drink, he was desired to take the same, and endeavour to sleep, unto which he answered, 'It is not my design to drink, or to sleep, but my design is to make what haste I can to be gone.' Afterwards towards morning, using diverse holy expressions, implying much inward consolation and peace. Among the rest, he spoke some exceeding self-debasing words, annihilating and judging himself." That he was much affected by the decease of his favourite daughter,

This extraordinary man has been represented as a profligate debauchee, who became first an enthusiast, and next an hypocrite, who excited rebellion, murdered his sovereign, and betrayed the liberties of his country; and the presbyterians, royalists, and republicans, as they all sincerely detested, have united in depicting him in the blackest colours, because each, in their attempts to grasp exclusively on power, were compelled to bow to the superiority of his genius and fortune. Of his early profligacy there are no proofs; and a man, who became the regular settled head of a family at twenty-one, who was an obedient son, an affectionate and beloved husband, a kind and indulgent parent, from that period, can scarcely be supposed to have attained to a pitch of very deep depravity before. The charge of religious hypocrisy was never brought against him by those best qualified to judge—his religious antagonists; nor are there any well attested instances adduced to justify the charge: to the last he was regular in his public and private devotions, and the uniform morality of his domestic life has never been challenged. Baxter, who was unfriendly, but too upright to defame, says, “that he had a zeal for religion, meant honestly, and was pious in the main course of his life, till prosperity corrupted him.” In his political progress he

who died only about a month before him, is well known, for he was a most affectionate father; but the story of her dying reproaches, having awakened his remorse, is extremely apocryphal, yet it is not unlikely that the sentiments of self-abasement which he uttered may have been misrepresented as the workings of remorse. Two or three days before he died, he put up the following prayer, which appears to have given rise to the ridicule with which the royalists describe his last scene. “Lord, although I am a miserable and wretched creature, I am in covenant with thee, through grace, and I may, I will come to thee for thy people, thou hast made me, though very unworthy, a mean instrument to do them some good, and thee service: and many of them have set too high a value upon me, though others wish and would be glad of my death: but, Lord, however thou dost dispose of me, continue and go on to do good for them, give them consistency of judgment, one heart and mutual love, and go on to deliver them, and with the work of reformation, and make the name of Christ glorious in the world; teach these who look too much upon thy instruments to depend more upon thyself, pardon such as desire to trample upon the dust of a poor worm, for they are thy people too. And pardon the folly of this short prayer, even for Jesus Christ’s sake, and give us a good night, if it be thy pleasure,”

rose gradually with events, and his capacity seemed to expand with his situation; his great sagacity enabled him to discern, almost intuitively, the instruments most proper to suit his purpose, and his decision allowed no opportunity to escape; he did not create circumstances; but his forte lay in instantly perceiving their bearing, and taking advantage of them. That he was sincere, at first, together with Hampden and the patriots who opposed the illegal measures of Charles, in seeking only a redress of grievances, and security for the liberties of his country, I am fully persuaded; that he and his party were truly desirous to restore the king, in opposition to the presbyterians, is, I think, also sufficiently plain; nor does it appear that he was, as an individual, more active than others in bringing that monarch to the block. After the battle of Naseby, the self-denying ordinance was virtually repealed, and the members of parliament again fell under the odium of wishing to prolong their power for their own emolument; and the nation becoming weary of them, the opportunity offered the general by the victory at Worcester was too tempting for human frailty to resist. Perhaps, the only blamable part of Oliver's character is, that he sought the dazzling pre-eminence thus presented him; and neither his contemporaries nor posterity have had the generosity to forgive his yielding to the current of the times, which carried him to a chair that wanted only to have been hereditary to have been encircled with the radiance of almost unsullied glory.

#### RICHARD—PROTECTOR.

RICHARD succeeded to office, amid the joyful gratulations of the people: addresses of the most inviolable attachment, poured in from every quarter: foreign monarchs vied in their embassies of condolence and amity; and for six months he appeared more securely seated than his father had been, the nation was quiet, and not a whisper announced the approaching commotion. The necessities of the state, however, required supplies, and a parliament became requisite to raise them; in resorting to this measure, the young protector unfortunately did not throw himself upon the fair affections of the people,

by allowing the more equal method of choosing representatives, appointed by the instrument of government, to be followed ; but, in order to secure a pliant majority, violated the constitutional charter, and restored the rotten boroughs, which, however serviceable under an old established system, were found totally useless to support a new one. The elections for Scotland were more complete than any that had ever taken place since the union ; and among the commoners Argyle appeared for the first time, the ruling powers having hitherto exerted themselves to prevent his obtaining a seat ; but now, from mistaken policy, the protector courted the royalist party in both kingdoms, as a counterpoise to the violent republicans, who were the chief object of his fear. According to the example of the long parliament, the commons commenced by an investigation of their grievances ; when, in order to overawe their debates, or counteract their dissensions, Richard was persuaded to assemble a general council of officers, under the direction of his uncle Desborough and his brother-in-law Fleetwood. This formidable board, perceiving their own strength, compelled him to dissolve the parliament ; and he, finding himself unequal to the task of managing the helm, during the conflicts of such turbulent elements, resigned without a struggle his unenviable exaltation, and retired to enjoy a bloodless and tranquil privacy. For some days a military anarchy reigned ; but the republicans at last prevailed, and the old parliament, which had been forcibly dissolved by Cromwell, was restored. A council of state was immediately nominated. Fleetwood was appointed general of the army, during the pleasure of the house, in whose name all commissions in the army were directed to run. But the military were dissatisfied, and divided ; and the cavaliers, who hoped that the favourable moment was arrived for restoring the king, projected a rising in different parts of the kingdom ; and so certain were they of succeeding, that Charles, with his brother, the duke of York, had already arrived at Calais to watch its progress, and be ready to appear in person, when the design was betrayed by Sir Richard Willis. Sir George Booth, a presbyterian, seized Chester, and declared for a free parliament ; but, surprised by Lambert, his forces did not stand the first charge,

and this victory was calculated to extinguish the last hopes of the royalists. The dissensions of the generals themselves, however, were destined to accomplish what the plots and arms of the others in vain attempted. Lambert aimed at the protectorship; and, having gained the inferior officers, petitioned parliament to confirm Fleetwood commander-in-chief, himself as his lieutenant, Desborough, lieutenant-general of the horse, and Monk as major-general of the foot. Parliament refused the petition, and voted it high treason to levy money without their consent. To this Lambert replied by marching his troops to Westminster, and dispersing the powerless assembly, already degraded in public opinion by the ridiculous appellation of the Rump. The officers, once more masters, substituted a committee of safety, of which Warriston was made president, for the council of state; and the soldiers, conscious of their own superiority, soon evinced the pernicious effects of military ascendancy, in the intolerable insolence they assumed toward the people, while the people, harassed with a repetition of change, longed for the establishment of any government that promised to be permanent. All eyes were turned to Scotland, and on the decision of Monk hung the fate of the parties.

Selfish, calculating, and taciturn, this general had contrived to serve all factions, without being denounced for actual treachery to any, but with strong suspicions of being false to all, one instance of the happy effect of good fortune upon character, for he never deserted a party till it was falling; and however inconstant to his friends, he always contrived to be found on the side of the successful. He had been first sent to Ireland by parliament, to serve against the rebels, but deserting their cause, he returned a royalist to England, to assist in subduing his former employers. Taken prisoner at Nantwich, he remained two years in the Tower, and when released, was again engaged in the parliament service in Ireland, from which he was dismissed as suspected. When Charles II. invaded Scotland, professing an ardent attachment to the cause of liberty, he solicited and obtained a command in the army sent to fight against him; he followed the fortune of Oliver, and expressed the most profound attachment to

Richard Cromwell; on the momentary revival of the long parliament, he declared his entire devotion to it. While the premature risings of the royalists were crushed, he remained still; but when Booth declared for a free parliament, the presbyterians, if they did not count upon his assistance, at least calculated upon his neutrality.\* Upon Lambert's forcible dispersion of the Rump, he immediately declared for parliament, and dismissing as many of his sectarian officers as he could, he filled their places with old Scottish soldiers, collected his scattered forces, and prepared for marching to England.

With the most solemn imprecations, he protested that he had no other end in view than the settlement of the nation in a free commonwealth, and the defence of godliness and godly men; and had the parliament been able to regain their seats, Monk, most probably, would never have been heard of as duke of Albermarle. But he possessed, as general-in-chief of the Scottish army, advantages, of which he well knew how to avail himself; his force though small, were strictly disciplined, and had been regularly paid. The universal impression in Scotland, that he was favourably inclined to the presbyterian interest, enabled him to anticipate the taxes, and obtain an extraordinary subsidy from the commissioners of the shires, whom he hastily assembled on the occasion.† To them he recommended the preservation of internal tranquillity, and leaving a division of his army to assist them, he rendezvoused the rest at Coldstream, and garrisoned Berwick. Here he was met by a number of Scottish nobles, who offered to raise a force to assist him; he, however, dreading the effect it might have in England, declined the offer, but promised, if necessity required, he would retire upon Stirling, and accept their assistance. Lambert was advancing with a superior force to oppose him, but the vote of parliament had deprived him of the means of subsistence, and reduced to live at free quarters, he rendered the country hostile as he advanced. Monk, who knew this, in order to procrastinate, sent three officers to the committee of public safety, as if to negotiate, and likewise amused Lambert

\* Baillie, p. 438.

† Middleton's History of Edinburgh. Baillie's Letters, vol. ii. p. 457.

with the prospect of an amicable arrangement; but when he found the aspect of affairs changed, and the prospect either of establishing himself, or restoring the king, become probable, he broke with the committee, alleging that his commissioners had exceeded their powers, and his rival, the dupe of his negotiations, had in the interim lost his army by desertion. The members of the late parliament, believing, or affecting to believe the repeated solemn protestations of Monk, re-assembled, 26th December, sixteen hundred and fifty-nine. Monk entered England the 2d January, one thousand six hundred and sixty. He was met by a letter from Lenthal, the speaker, informing him of the late transactions, thanking him for his kind intentions, but at the same time hinting, that, as his presence in London was now rendered unnecessary, they would willingly dispense with his nearer approach. He disregarded the message, and continued his march, but still without publicly declaring his intentions. At York he refused to concur with lord Fairfax, who wished to restore the king, with such restrictions as would have secured the grand object for which so much blood had been shed, and the nation convulsed for upwards of twenty years; and by his multiplied oaths and asseverations, collected around him the friends of parliament, and the military, who had declared against the house of Stuart. At his desire, also, James Sharp, minister, was sent by the Scottish presbyterians to watch over the welfare of their church.

Probabilities are strongly in favour of the assertion, that Monk, to the last moment of plausible hope, encouraged the idea of succeeding Cromwell, and that it was not till he perceived the impracticability of this scheme, that he formed the resolution of recalling Charles. Not long after his arrival in London, the common council, dissatisfied both with parliament and the army, resolved that they would pay no more taxes till levied by a free parliament, and began to fortify the city. The council of state, of whom Monk was one, immediately ordered the general to seize twelve of the common council men, and destroy the fortifications; orders which he punctually obeyed, by arresting eleven of the members, and pulling down the chains, gates, and portcullises. Finding that this conduct had endangered his interest in the city, he, with his wonted dis-

simulation, lamented to the presbyterian leaders, that the duty had been forced upon him, and declared himself for a free parliament. The multitude, on being joined by the chief of the military, expressed their joy in bonfires; and “rumps,” in derision of the fragment of a parliament then sitting, were roasted in every quarter of the metropolis. The secluded members now returned, and a number of the republicans leaving the house in disgust, a majority of presbyterians remained, who voted the revival of the solemn league and covenant, and were for proceeding to establish order; but Monk, who perceived that he stood upon a precipice, suspected by the parliament, and not trusted by the army, having obtained a vote, constituting him captain-general of the forces, desired them to dissolve themselves, and issue writs for a new parliament. Whatever intercourse Monk had with Charles, previously to the meeting of this parliament, is very imperfectly known; that he had had some, is certain; but the exiled king, up to nearly this date, had certainly little reliance upon him for his restoration. He had repaired to the treaty of the Pyrenees, to solicit foreign assistance, and had conformed to the popish religion, in order to procure it; but he could not procure an interview with Mazarine, and accepted, as a charitable donation, a few thousand pistoles from the Spanish minister. In despair, he had returned to Brussels, and, on the re-assembling of the last parliament, considered his affairs as desperate.\*

The majority of the new parliament, again composed of lords and commons, consisted of presbyterians and cavaliers; and both were willing to acquiesce in recalling the king; only the former wished to secure the liberty and religion of the country; the latter, the posts, places, and pensions of the

\* Locke says, that Monk had agreed with cardinal Mazarine to usurp the supreme authority, and that Mazarine had engaged to support him; but his wife, who was a strong royalist, had secreted herself behind the hangings of the room, overheard the bargain, and communicated it, by her brother, to Sir Ashley Cooper, who, summoning a council of state, indirectly charged Monk; but proposed, that to remove all suspicion, he should consent, on the instant, to take away their commissions from certain officers of the army, and give them to others, whom he named. By this means, the army ceased to be at Monk’s devotion, and he became a royalist.

court. The heads of the government in Ireland had begun to negotiate ; the fleet was ready to join, and Scotland was ripe for receiving her king, when Monk, whose intrigue with France had been discovered, and who must have known that he was universally hated by all parties, determined to make a merit of necessity, and promote his own individual advancement, by sacrificing his principles, his country, and his friends, at the shrine of unlimited monarchy.\* Sir John Grenville, an agent from Charles, was then admitted to a private interview with the general, and carried over to the king professions of loyalty, and of a desire to promote his cause ; at the same time, intimating to his majesty, that it would be desirable for him to remove from Brussels, lest he might be detained as an hostage for Dunkirk or Jamaica ; with this suggestion the king immediately complied, and Grenville returned to England.

As soon as parliament met, from the tone of the speeches, and the manner in which they were heard, it was readily perceived that the restoration of the king was anticipated ; and Sir John Grenville was introduced into the house of commons, who delivered a letter from the king, and a declaration, which was ordered to be immediately read. The king expressed his desire to heal the bleeding wounds of the country, and ensure a full and entire administration of justice throughout the land ; a free pardon and indemnity was granted to all, with the insidious exception only of those whom the parliament should except ; complete liberty of conscience was promised ; and his consent to any act of parliament that might secure it. All sales and alienations of land made during the distractions were to be regulated by act of parliament ; and the army was not only to

\* Monk had not certainly determined, March 26th, at which time, Sharp, the Scottish clerical deputy, writes to Mr. Douglas, that the English, on the dissolution of the rump parliament, were willing that Scotland should be as free as they ; but that "the general is for keeping us in subjection, till he see how matters go in the parliament."—Woodrow's Introduction. The whole of the correspondence there, shows clearly the indecision of Monk, till all hope of his own exaltation had fled ; and accounts for his hatred to the presbyterians, whom he had hitherto favoured, as they appear chiefly to have frustrated his schemes, and, to their own destruction, been chiefly instrumental in bringing in the king.

be satisfied, with regard to arrears, but continued in pay. The commons, notwithstanding the universal joyous madness which took a momentary possession of the multitude, and carried even the reflecting along with them, seemed willing that some limitation should be set to the power of the crown; and Sir Matthew Hale, one of the most venerated names in English history, proposed that a committee might be appointed, to look into the propositions that had been made, and the concessions that had been offered by the late king, and from thence digest such propositions as they should think fit to be sent over to the present; and the motion was seconded: but Monk, who saw that any conditions imposed on the monarch might operate unfavourably towards himself, interposed, and informed the house, that from the number of incendiaries in the kingdom, he could not answer for the peace either of the nation or the army, if the treaty was delayed.

The declaration of a military chief in revolutionary times, is, in common, tantamount to a command; and the house of commons, who dreaded the return of the republicans, and were aware that Monk might, in the present ferment of men's minds, bring in the king without them, swayed too by their individual hopes or fears, acquiesced with the lords in committing themselves and the nation entirely to the generosity of the king. A deputation from both houses was sent to Breda, to invite him over; and foreign powers, astonished at the unexpected change, hastened to offer an assistance that was no longer needed. He entered London on his birth-day, the twenty-ninth of May, one thousand six hundred and sixty, and, amid the blessings and shouts of the multitude, took possession of Whitehall; whence, twenty years before, his father had secretly withdrawn to avoid their execrations. But there are few instances of princes, who have regained the stations from whence they had been driven, upon whom personal or family misfortunes had ever any salutary effect, or to whom the school of adversity has been a school of wisdom.

THE

## HISTORY OF SCOTLAND.

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### Book XII.

NEVER was a prince restored to his dominions under fairer auspices than Charles II., and never, if we except the recent instance of Ferdinand the beloved toward Spain, did a prince requite a people, who had stood by him in the time of his lowest depression, and shed torrents of blood in his behalf, with more infamous ingratitude than he did the people of Scotland. The best friends of the monarchy, the constitutional supporters of the throne, were rewarded for their attachment to a family, whose principles were incompatible with religious or political freedom, by persecution, proscription, and death; while those who had skulked in the hour of danger, or who apostatized from their earlier and more honourable profession, were promoted to be the scourges of their devoted co-patriots, to send them to prison, banishment, and execution, to revel on their fines, and to share their estates.

Immediately on the king's return, numbers of the Scottish expectants flocked to London, and, as the ancient kingdom had regained its independence, the chief offices of state were the objects of pursuit. To these all who had supported the cause of royalty laid claim; and, as almost every noble family in Scotland could plead dilapidated estates, family sufferings, or personal services, an arrangement which should include all was impossible; and it would have been a painful situation for the king, had he possessed ordinary feelings, to decide on the respective merits of the applicants. But Charles got rid at once of his burden of gratitude and of any uneasy sensations,

by appointing a few of those who had first obtained his ear, and who he thought would be most subservient to his will, to arrange his government. The chief of his counsellors was Hide, shortly after created lord Clarendon, a staunch cavalier, whose mind had become contracted and selfish in exile, and who was bigotedly attached to episcopacy, the establishment of which he deemed essential to the stability of the throne : and the appointment of the Scottish officers of state was unfortunately much influenced by him. Middleton, who had risen from the ranks by his valour,\* and who possessed nearly all the bad qualities incidental to a soldier of fortune, was the friend of Hide ; and, attached to no religion himself, was ready to adopt and enforce whatever his patron chose to prescribe. Him, the English chancellor, procured to be named commissioner to the next parliament—an office equal to vice-king. Lauderdale, who had studied the king's temper when formerly with him, and knew the immense advantage of being near his person, as soon as he was set at liberty from the tower, had gone to Charles at the Hague, attended him home, and now procured for himself the office of secretary, as well as to be nominated Scottish gentleman of the bedchamber.† The earl of Rothes was appointed president of the council ; Glencairn, chancellor; Crawford, treasurer ; Marischale, lord privy seal ; Sir Archibald Primrose, clerk-register ;‡ and Sir John Fletcher, lord advocate.

\* Middleton had been a pikeman in colonel Hepburn's regiment in France. Kirkton, p. 66.

† Sir George Mackenzie, says Clarendon, who was jealous of Lauderdale's influence with the king, insidiously proposed to him the office of chancellor, and afterwards, together with Middleton, proposed lord Newburgh for the secretaryship ; but Lauderdale, who anxiously desired to remain in London, obtained a pension for the former secretary, and Newburgh was preferred to be captain of his majesty's guards. P. 9.

‡ "Sir William Fleming was made clerk of the register, a place of great gain, for which he was as fit as to be professor of metaphysics in ane university ; but he was so wise as to sell it to Sir Archibald Primrose, who could husband it better." Kirkton, p. 66. Mackenzie alleges, that Sir Archibald's "impudence, the surest method of rising at court," "did procure it for him ;" but allows at the same time, he paid a sum to Fleming, who had the grant. Hist. p. 10.

As soon as these high situations were filled, several meetings were held, by the king's authority, of all the Scottishmen of rank in London, at the house of the earl of Crawford; when the presbyterians, who were most numerous, carried, that the committee of estates, nominated by the parliament held at Stirling, 1650, should manage all affairs till a new parliament assembled. At one of these meetings, however, an objection was started as to the legality of that parliament, which being afterwards extended, occasioned all the misfortunes in which Scotland was involved for upwards of another quarter of a century. M'Kenzie of Tarbet insisted that the parliament of 1650, from which the committee derived their authority, was neither legal nor free; but was, in fact, a continuation of the rebellion, as all the royalists who had served under Montrose were excluded: the king expressed his concurrence in the objection; nor was it till after the representations of Lauderdale and Crawford had convinced him, that by far the greatest part of Scotland had opposed Montrose, and that it would excite an universal dissatisfaction, impolitic, if not dangerous, at the commencement of a new era, that the opposition was dropped for the present, and the committee allowed to act.

In the interim, as a specimen of the conduct intended to be adopted with regard to Scotland, warrants were sent down for apprehending Sir Archibald Johnston of Warriston, Sir John Chiesly, and Sir James Stewart. Stewart, who was provost of Edinburgh, was ordered in virtue of his office to seize Sir John, then in the city on business, and carry him to the castle. His lordship obeyed, and lodged the knight; but when about to take leave, was informed that he himself was a prisoner. Warriston, who was fortunately absent, on hearing of the arrest of his friends, left the country, and escaped for the time. The marquis of Argyle, was about the same time seized in London. Upon hearing of the gracious reception given to all the Scottish nobility, he had sent his son, Lorn, to court, and, finding that he was kindly received by Charles, was himself encouraged to proceed to the capital. On his arrival, he went to Whitehall, and Lorn, who had easy access to the king, requested that his father

might be permitted to kiss his majesty's hand. But as the marquis waited in the privy chamber, which was extremely crowded with English nobility, expecting an answer to his son's application, Sir Edward Walker, king-at-arms, intimated to him a royal order for seizing his person (while a whisper circulated that he had been accessory to the late monarch's murder); and he was instantly hurried to the tower, without being allowed to see the king, although he earnestly entreated for leave "only once to speak to his majesty."

At Edinburgh the committee of estates resumed their office, by dispersing a number of the remonstrants, who had assembled to frame an humble petition to the king, sending their leaders to jail, and forbidding their again meeting without the royal permission. But in order to sooth the resolutioners—who do not appear to have been dissatisfied either at the treatment of their brethren or the sectaries\*—a letter was sent down by Sharpe, their depute, who had already betrayed them, from the king, expressing, in the strongest language, his determination to preserve and protect the government of the church of Scotland, as settled by law, without violation. But the fears of the presbyterians were kept awake by the base obsequiousness of the committee, who hastened to efface the inscriptions from the tombs of Henderson in Edinburgh, and George Gillespie at Kirkaldy, and ordered Rutherford's *Lex Rex* to be burned by the hands of the common hangman—acts not less mean than useless.† Nor were

\* Baillie, "that moderate writer," as he is styled by Mr. Laing, thus mentions the fate of men, who had at least the merit of consistency. After saying, "It was justice of God brought Peters, Harrison, and others, to a shameful death, to hang up the bones of Oliver, Bradshaw, Ireton, and Pride, on the gibbet at Tyburn." He adds, "and to disgrace the two Godwins, blind Milton, Owen, and others of the maleficent crew." Letters, vol. ii. p. 442.

† The *Lex Rex* illustrates and defends the propriety of resisting tyrannical sway, while it asserts the necessity of upholding regiment, so long as it answers the purposes for which it is established; and contrasts the absurdity of confounding the religious duty of acknowledging "the powers that be" as an ordinance of God, and the moral duty of submitting to them as an human institution, without which, society could not exist, with that irrational doctrine of passive obedience, which the supporters of the Stuarts so zealously advocated, till they procured the final expulsion of the race. It goes over the same ground as Buchanan, but enforces it more from the scriptures, and in

their fears vain; Clarendon had declared for episcopacy, in which he was seconded by Middleton and Glencairn; and seduced with the offer of the primacy, Sharpe aided by his most strenuous endeavours the re-introduction of that prelacy he had solemnly abjured, and the prostration of the system he had been especially deputed to defend.

Lauderdale had made some fruitless, yet probably, at the time, sincere efforts for the preservation of presbytery. He was more successful in procuring the removal of the English garrisons, which Clarendon wished to remain, as he hated the Scots, whose fanaticism, he said, was too rebellious to be trusted; and which Monk, now Albemarle, also sought to be kept up, in order to gratify the officers and soldiers who had served under him, and his own avarice, by retaining the command. But Lauderdale pleaded the tried loyalty of the Scots, and, perhaps, with more effect, the money it would cost his majesty to maintain the citadels: they were, therefore, ordered to be thrown down, and the ground and materials disposed of under his direction:—Ayr to the earl of Eglinton; Inverness to the earl of Moray; and Leith to himself, with the privilege of erecting it into a burgh of regality, under the name of Charlestown, in honour of his majesty; the superiority of which, the city of Edinburgh was forced to purchase for six thousand pounds sterling—one of the first specimens of the secretary's rapacity: yet the measure was grateful to the country at large, who were glad to get rid of what they considered as the badges of slavery.\*

Middleton entered Scotland with regal pomp. At Musselburgh he was met by a thousand horse, and almost all the nobility vied in doing homage to the representative of the sovereign. His sumptuous mode of living was not less re-

particular, has an admirable refutation of the doctrine of non-resistance, urged by king James, Barclay, and others, from the famous passage in the First Book of Samuel. Many of the questions discussed in it are now obsolete; but in sound, masculine reasoning, delivered in perspicuous, energetic language, it will stand comparison with any production of that day; and had the honour, of which it was not unworthy, of being burned along with the political works of Buchanan and Milton.

\* Maitland's Hist. p. 99,

markable for its splendour and expense, than for its vicious extravagance and riot: and, while the nation hailed the unwonted spectacle, they lamented the more than usual profligracy of a court. Parliament was opened with the utmost magnificence on the first of January, one thousand six hundred and sixty-one; when the regalia, which had been secreted in the north by Sir John Keith, the earl Marischal's third son, was produced, and carried: the crown by the earl of Crawford; the sceptre by the earl of Sutherland; and the sword by the earl of Marr. It was most numerously attended; and never did a more obsequious assemblage convene. The nobles were all anxious to be present; and the members for counties and burghs, who had been chosen, chiefly on account of their ultra-royalty, pressed forward, to evince the propriety of the choice. All the leading men whose devotion to the crown was dubious, were either imprisoned, or cited to appear as delinquents; and, as an act of indemnity had intentionally been withheld, the majority of those who might have advocated the rights of the people were either excluded the assembly, or forced to surrender their principles to their fears.\*

The session was opened by a sermon, preached by Mr. Robert Douglas; after which, Middleton produced his commission; and the earl of Cassils moved that the president should be chosen: an act, however, had been previously prepared, rescinding the parliament's privilege of electing their own president, and restoring that seat to the chancellor, in virtue of his office; it passed unanimously, and Glencairn accordingly took his seat. Annexed to this act was the oath of allegiance, to be taken by members of parliament, containing an acknowledgment of the king, as the only supreme governor of the kingdom, over all persons, and in all cases, coupled with an abjuration of the jurisdiction of any foreign prince, power, state, or person, civil or ecclesiastical: an ensnaring clause, intended to delude the scrupulous; as if the supremacy allowed to the king were only asserting the right of a christian magistrate, in opposition to the dominion of the pope. The presbyterians viewed it as the transference of an

\* Mackenzie, p. 24. Baillie, vol. ii. p. 449. Burnet, vol. i. p. 161.

antichristian power from the pontiff to the sovereign, and refused to take it: the earl of Cassils and the laird of Kilbirnie, however, alone, in parliament, declined the oath, unless allowed to limit the royal supremacy to civil matters.\* It was then proposed to elect the lords of the articles; but this was opposed by Tweedale and Tarbet, who contended that the institution of that committee, being founded merely upon parliamentary usage, for the sake of convenience, ought not to be resumed; that it was a delegation of power which parliament were not warranted in transferring, they being only delegates themselves; and their previous vote precluded the vote of parliament: the objections were, however, over-ruled, the old custom revived, and afterwards was formally established by law.†

Previously to this the meetings of parliament had been early in the day; but the business, after the appointment of that committee, admitting of little debate, their sessions were commonly held in the afternoon: an innovation produced by the midnight orgies of the palace, frequently protracted till morning; from the effects of which the nobility had scarcely recovered when called upon to legislate, in the most critical conjuncture in which a nation could be placed; and their acts accorded with such previous preparation. They proceeded to assert the prerogative in its fullest extent. The nomination of the officers of state, counsellors, and lords of session, was declared an inherent privilege of the crown, which his sacred majesty and his royal successors hold direct from God Almighty; the power of the militia, of calling and dissolving all parliaments, or public assemblies, were declared to reside in the sovereign alone, and any such meeting, held by any of the lieges, upon any pretext whatever, was declared high treason; as it was to impugn the act that made it so. The national covenant was first assailed indirectly, by an act asserting the king's royal prerogative in the making of leagues, and the convention of his subjects;

\* They afterwards withdrew from the house, the only safe way in which the members of a Scottish parliament could then express their opposition; for although the commissioner assented to such being the meaning of the oath, he would not allow the explanation to be registered.

† Acts of the Scottish Parl. vol. vii. M'Kenzie, p. 17. Wodrow, vol. i. p. 25. Baillie, vol. ii. p. 451. Lamont's Diary.

which having passed without opposition, the solemn league and covenant was then annulled, and its renewal, without his majesty's special warrant and approbation, prohibited under the severest penalties. To avoid voting upon this question, many of the members absented themselves; but Balmerino, Cowper, and some others, absolutely withdrew. The ministers made one attempt to stop the torrent; but it was an expiring effort: they met in their provincial synods, and were preparing to frame supplications, when they were visited by messengers from parliament, and ordered to disperse under pain of treason. In the height of their zeal for their restored monarch, the estates, notwithstanding their exclamations against the oppression of the usurper, offered the king for life an yearly subsidy to the same amount, forty thousand pounds sterling: thirty-two thousand of which to be levied out of the excise on ale and beer; and eight thousand out of the customs, for the purpose of supporting a guard of horse and foot, to secure the internal tranquillity of the state. The effects of this tax, which was rigorously exacted, were ruinous to Scotland: the money, instead of circulating through the land, as in the days of Cromwell, and being increased by the remittances from England, was either suffered to lie idle in the castle, after it was collected, or carried by courtiers out of the country.\*

But the wildest and most outrageous proceeding, what struck at the foundation of all legal security, and went to overturn the essential principles of government, was the introduction of a general recissory act, not to repeal particular acts of parliament, but to annul the parliaments themselves.

\* The remarks of Sir George Mackenzie on this subject, evince how differently men sometimes feel, in cases which reach their own pockets, from what they do in oppressions that bear down the liberties of their country. Sir George justified the most despotic measures of the worst times. But of this he says, “ Subsidies are in this, like to the devil; both are more easily raised than laid. Pardon me reader to intreat thee, that if ever thou become a member of parliament, thou consider what curses are daily poured out by the many poor, hungry, and oppressed creatures, upon such as are an accession to the imposing of taxes; for they not only torment poor people for the present, but they make way for new ones, and new taxes are the only means to make old ones seem easy.” Hist. of Scotland, p. 32.

The lords of the articles, tired of the labour of rescinding in detail, were anxious to get rid of all the troublesome restraints upon the prerogative by one dashing sweep ; and a jocular remark of Primrose, that the better and shorter way would be to declare all the proceedings since one thousand six hundred and thirty-three irregular and unconstitutional, was adopted by the junto at a debauch : the draught of a bill to this effect, carried at the board by drunken acclamation, was passed by the articles without inquiry, and next day sent to be ratified in parliament. In the parliament, however, it encountered an unlooked for opposition. The grounds upon which the measure was supported were, that all the parliaments which had met since one thousand six hundred and thirty-three were held without the authority of the sovereign, and were in fact a series of rebellions ; that it was necessary to secure his majesty's prerogative for calling and dissolving parliaments, asserted in their late act, by rescinding all these which had met without his warrant, sat after he had dissolved them, or had continued without the presence of the commissioner. But there were two parliaments, of which it was necessary to dispose, the one at which the king's father had presided himself, accompanied by his ordinary attendants, and under no restraint, the other, convoked by especial direction, for approving the engagement ; and a third, held by his present majesty in person. To none of these could the alleged informality apply ; they were regularly constituted, and were formally sanctioned by the king ; and if they were annulled by the present parliament, a succeeding parliament might annul it in its turn, and thus the foundations of public security be entirely destroyed.

This summary procedure, which was evidently and avowedly adopted for the purpose of overturning the presbyterian form of church government, and introducing episcopacy, had ranged against it all who still adhered to that form from principle, or who were ashamed of such an open dereliction of what the nation had so keenly contended for, and to which the great body of the people were affectionately attached; besides, a number who were concerned in the engagement, and others who, having shared in the spoils of the times,

trembled for an act that would go to annihilate the tenures of their property, or the legality of particular indemnities. But the majority of the objectors were silenced by the introduction of an express salvo, that all such persons as had obtained private rights or securities from any of the parliaments, or any, deriving power from them, should be secure, except they were excluded from the act of indemnity; and the vigorous efforts of the few old consistent covenanters were exerted in vain, nor were they able to persuade the pusillanimous sycophants, that when the fundamental law of the country could be thus dispensed with, there remained but little security for personal property. Thus the most valuable privileges the nation had recovered; the liberties and triennial succession of parliaments; the choice of the lords of articles; the freedom of debate; the independence of the judges; all perished in the wreck of the presbyterian constitution; and the ruins of that church formed the base on which the despotism of the state was to be erected.

Even Middleton, after the fumes of his temporary phrenzy had dissipated, perceived the danger of establishing so monstrous a precedent, and hesitated before he would finally sanction the measure. He despatched Mungo Murray, brother to the earl of Athol, to consult the king; but his minister, Clarendon, as soon as he read the communication, sent an express in return to the commissioner, expressing his surprise, that he should delay getting passed a proposal so conducive to his majesty's interest. When the act passed, the minority had dwindled down to forty. The reversal of the forfeiture of Montrose, and the other ultra-royalists followed, and their bodies, which had been deposited in unhallowed graves, were raised with much ceremony, and re-intered with most imposing funeral pomp in sacred ground. The mutilated remains of the marquis were carried from the abbey, whither they had been brought, to the church of St. Giles, and buried in the tomb of his grandfather, who had died viceroy of Scotland; the parliament and magistracy of Edinburgh attending in their robes upon the occasion.\*

\* " Ther was out of Edin. Wast Port, Potera, out of Leith, Leith Wynd, and Canogait, 25 comps. fute, al in good kippage and weal armed, drawn

As an appropriate conclusion to such an assembly, their last deeds were, to seal their own infamy, in the noblest and best blood of their country, Archibald, marquis of Argyle's, and James Guthrie's, minister of Stirling. The marquis, who had been sent down from London along with Swinton, by sea, in the end of the year, and lodged in the castle of Edinburgh, was now brought to take his trial. His indictment, consisting of fourteen different charges, comprehended a narrative of the whole transactions in Scotland, from the first opposition to the king, till its final subjugation under Cromwell, in all of which, he bore a conspicuous part, and of which he was accused of being the chief instigator and prime mover—that he called the convention of estates in 1643—entered into the solemn league and covenant with England—that he was guilty of the retaliation in the western isles, and a party to the cruelties inflicted on the royalists—that he was accessory to the delivering up of the late king at Newcastle, opposed the engagement, clogged his majesty's invitation, consented to the murder of Montrose, and finally, that he complied with the usurper, and opposed the adherents of the king. Argyle, in an extemporaneous reply, expressed the joy he felt at the restoration of his majesty, and enumerating the services he had performed, and the marks of favour he had received, both from him and his royal father, desired the parliament to

up in the Abbey clos: the whole streetis from the Abbey gait, set in both sides with some of said companies to the mercat cross, and ther drew up in bodies upon both sydis of the streetis, thereafter the kingis love guard being likewayis drauin up in the Abbey clos, marched up the streetis, nist the foot companies in good order, with trumpetts and drauin swordis, and marched the length of the lane mercat, where the drawin up and stood in order: all the bellis of Edinburgh and Cannogait ryning all the whyle, with the great common bell jowing and tolling. At lifting of the corpes out of the Abbey kirk, the haill cannon of the castele, the haill foot companies of Edin. Leith, &c., with the k's. love guard, gave all fire at ane, with tuking of drums, sound of trumpetts, and ringing of bellis, and at the ingoing of the church, the second volley, and the third at his interring." The solemnities were concluded with a most sumptuous supper and banquet, at the marquis of Montrose's house, with concerts of music, and all sorts of merriment, for "At this heroic's funerall, the friendis rejoiced," "and the enemies murned, ane paradox indeed." Order of Montroise's Funeralies, &c. Appendix to Mem. of Montrose.

consider, how unlikely it was, that he should have ever harboured a thought to their disadvantage; with Paul, in another case, he might say, the things alleged against him could not be proven; but this he would confess, that, in the way allowed by solemn oaths and covenants, he served his God, his country, and his king. He entreated those, who were capable of understanding, when those things now charged upon him as crimes were enacted, to recollect the state of the kingdom, the circumstances of the time, and how both themselves and others were carried irresistibly along by the current of events, without any rebellious intentions; besides, he had been among the last that had entered into the confederacy, and taken the covenants. The transactions of public bodies, or of officers acting under the authority of the state, had never been held treason, nor was he responsible, in his individual capacity, for all the deeds of that party to which he belonged. The cruelties alleged to have been committed by his clan, he averred, were greatly exaggerated, yet unhappily too well justified, by the terrible devastation to which their district had been repeatedly exposed; and the extent of their own previous calamity, would extenuate, if it did not exculpate the crime: but be that as it might, the blame could never attach to him, who was in England when these cruelties took place. The surrender of the king was the act of a parliament at which he was not so much as present: nor was there the shadow of proof that he ever advised the death of his sacred majesty; an execrable deed, at which he had ever expressed his abhorrence, and for which, could the smallest evidence be adduced, he should ask no mercy. He could acquit himself of disloyalty, even in thought; and for whatever other error or fault he might have been guilty previously to the year one thousand five hundred and fifty-one, he pled his majesty's indemnity, granted in the parliament at Perth that year. As to what was done by him under the usurpers, they were common compliances, in which all the kingdom equally shared, and for which, many had the sanction of his majesty himself; who declared, that he thought it prudence, and not rebellion, for honest men to preserve their estates from ruin, and reserve themselves, till God should show some probable way for his

return. Among all who complied passively, none was less favoured than himself; what he did, was really in self-defence. "And how could I suppose," added he, "that I was acting criminally, when the learned gentleman who now acts as his majesty's advocate, took the same oaths to the commonwealth with myself?" Sir John Fletcher, the lord advocate, who, notwithstanding all his effrontery, could not help feeling the unanswerable force of such an appeal, endeavoured to weaken its influence by the most indecent interruption; the marquis meekly replied, he had learned in the school of adversity to suffer reproach.

After he had finished, the advocates, Messrs. Sinclair, Cunningham, and Mackenzie,\* (afterwards Sir George) protested, that as they pleaded for the marquis by order of parliament, in an action for treason, and, as some observations might escape them which might be interpreted as treasonable, that they should not be responsible for them. But the parliament would not admit the protestation lest, under that pretext, they might utter things prejudicial to his majesty's government, and they were therefore informed, that they must speak upon their hazard.†

His lordship then gave in, by the advice of his counsel, at

\* Wodrow calls them judge Kerr, Messrs. Andrew and Robert Birnie, together with Messrs. Cunningham and M'Kenzie; but as Sir George was one of them himself, and could not be mistaken as to the others, I have followed his account.

† Perhaps a more abominable statute, than that of "Leasing Making," never existed under any government. If a man pled for the rights of his country in parliament, he was liable according to it to be tried for high treason, as attempting to render the subject dissatisfied with the conduct of his sovereign. If the most flagrant attack upon public liberty was brought forward in the meeting of the estates, in the shape of "An Act," whoever opposed it, was liable to the highest penalties of law, as creating disloyalty in the lieges; and if on a criminal trial the accused justified himself, by producing the most wanton oppression on the part of the servants of the crown, he was liable to be found guilty of death, for stirring up mischief between the king and the people! On this trial, the advocates were not allowed to bring forward exculpatory proof, or produce recriminating facts, but at the hazard of being themselves tried for a crime of the same magnitude with that of the pannel they were appointed to defend!! Had no other benefit accrued to Scotland from the revolution than getting rid of this horrible law, that event would justly have been styled GLORIOUS.

petition to be tried before the justice court: his indictment being so intricate that it would require learned judges, nor was it to be supposed that every gentleman or burgess was qualified to decide upon points of law, neither were they his peers. The prosecuting party, who were set upon his ruin, caught at this, which they construed into a declining of parliament, and the marquis was desired either to own the petition, or point out who had written it, that they might be proceeded against. From this perplexing dilemma he was extricated by his counsel, who acknowledged and were under the necessity of pleading long to justify it: the prayer of the petition was refused; but, as a wonderful display of the mercy, equity, and indulgence of the court, the counsel were PARDONED! The pannel's advocates then prayed that they might be allowed to lead exculpatory proof, but this also was refused, and the defences, replies, duplies, and triplies, were ordered to be given in in writing: the charges were, however, restricted to acts since the year 1651, in consequence of a letter from the king, ordering the crown lawyers not to prosecute for any offence previous to the indemnity of Stirling, obtained by Lauderdale, on purpose to protect his own particular friends; who might have otherwise been obnoxious to the revenge or avarice of the commissioner, and the intercession of Lorn, who remained at London, to manage his father's business.

To counteract this influence, which the commissioner feared, the earls of Glencairn and Rothes were despatched to London, where the former applied himself successfully to the cold-hearted Monk and the bigoted Clarendon; while the latter reminded Lauderdale of Argyle's former opposition, and the danger of allowing him to escape,—as from his abilities much was to be dreaded should he regain his influence in the state;—and all future applications for mercy were in vain.

The relevancy of the indictment being discussed, a proof was allowed on all the charges after the year 1651; when a number of witnesses having been examined, nothing deadly was explicated, and the earl Loudon had addressed the house, in a long, eloquent, and argumentative speech, which apparently

made a strong impression, as the judges were all as deeply implicated in crime as the accused; but just as the court were about to consider the whole matter, and while it yet hung in doubt, and appearances seemed in favour of his lordship, a messenger who had come express from London, knocked violently at the door of the parliament house: upon his admission, he presented a packet to the commissioner, which every one concluded contained a remission, or some other warrant in favour of the marquis, especially as the bearer was a Campbell. But upon the packet being opened, to the utter amazement of Argyle's friends, it was found to consist of a great many letters, addressed by his lordship to Monk, while he was governor of Scotland, and which, with unparalleled baseness, he had reserved, to see if they were absolutely necessary; and having been informed by the commissioner's envoys of the scantiness of the proof, he had sent post by an especial courier.\* The letters thus infamously produced were decisive as to the fact of compliance with the usurpers—that is, of being a passive, where Monk himself had been an active agent—

\* Mr. Rose, in his remarks on Mr. Fox's history, after examining the evidence for his assertion, copied from Burnet, that Monk delivered up the letters of Argyle, on which he was condemned, and adducing an ingenious exculpatory proof for the renegade, thus concludes: "It is hardly possible to conceive, that stronger evidence could be given in any case, to establish a negative, than is here given, to prove the falsehood of the bishop's charge. He must therefore believe, that if Mr. Fox had informed himself fully on the subject, he would have been induced to forbear the positive condemnation of Monk, and the consequent severe censure upon him." Observations, p. 26. So easy is it to raise plausible objections in the face of direct testimony. Mr. Laing, in a note to his Hist. vol. iv. p. 413, triumphantly vindicates both himself and Mr. Fox from any rash assumption, on the mere authority of Burnet, in the present instance, and the incontrovertible evidence of Sir George Mackenzie now puts the fact wholly out of doubt. The only apology for this, and several other blunders, committed by Mr. Rose, is what he himself offers. "That it had not been in his power to employ many more weeks in the composition of his observations than Mr. Fox did years in the composition of his work." Introduction, p. 36. It would have been a better reason for his not writing at all. But it is more difficult to find an excuse for Mr. Rose's anxiety to clear the fame of a callous villain, who could betray his king, his country, or his friend, with equal cool, deliberate facility, when it suited his interest so to do.

and on this ground alone, was the noble pannel found guilty of treason, by the majority of a parliament, almost all of whom were more culpable than he.

Next day he was forfeited, and the manner of his being executed being put to the vote, “hang or head,” it was carried that he should be beheaded, and that his head should be placed on the same pinnacle, at the end of the tolbooth, where Montrose’s had been formerly fixed. He received his sentence kneeling, which was pronounced by the earl of Crawford; on rising, he said, he remembered that he had first put the crown upon the king’s head, and added, he hoped God would bestow on him a crown of glory, for he ever wished him well.\* The parliament seemed much affected with this sad instance of the mutability of fortune, and his lordship’s humble, composed demeanour, drew tears even from his enemies; yet when he requested a delay only of ten days, till his sentence should be communicated to the king, they, with the inconsistency and inhumanity so common among collective bodies, refused him the respite, and sent him to the common jail among the ordinary prisoners, for the two last days they allowed him to prepare for death.

The marchioness was waiting for him in the tolbooth, to whom he said as he entered, “they have given me till Monday to be with you, my dear; therefore, let us improve it.” She, embracing him, wept bitterly, and in an agony, exclaimed, “the Lord will require it, the Lord will require it!” He spent the Sabbath not only calmly but cheerfully, in exercises of devotion, with several ministers who were permitted to attend him; to whom he remarked, that he was naturally of a timorous disposition, and bade them observe how wonderfully he was delivered from all fear. At his own desire, his lady took her leave of him on the Sabbath night,

\* Mr. Laing, following Wodrow, makes the marquis say, “I have placed the crown upon his head, and this is my reward! but he hastens me to a better crown than his own.” Hist. vol. iv. p. 16. I have preferred Sir George Mackenzie’s account, which is more in consonance with Argyle’s behaviour, who believed that the king would have pardoned him had he got an application made, and who was leaving his widow and family dependant on Charles’ mercy. Hist. p. 40.—His head remained exposed till June 8th, 1664, when it was taken down, and placed beside the body.

after which, he passed some hours in uninterrupted and pleasant sleep. On the morning of Monday, he wrote a letter to the king, asserting his innocence, recommending his widow and family to his majesty's protection, and requesting that his just debts might be allowed to be paid out of his estate. He dined with his friends precisely at twelve o'clock, after which he retired for prayer, and on rejoining the company, appeared in an ecstasy of joy: as he was quitting the jail, he observed to some of his fellow-prisoners whom he was leaving, "I could die like a Roman, but I choose rather to die like a Christian."

He was accompanied to the place of execution by several noblemen and gentlemen in mourning, with whom he walked steadily down the street, and mounting the scaffold with the greatest serenity, saluted all who were upon it. In a speech, which he delivered without a falter, he forgave his enemies and vindicated his own conduct, which, at that awful moment, he declared had never been influenced by any motives of self-aggrandizement or disloyalty. He had been cordial, he said, in his desires to bring the king home, and in his endeavours for him when he was at home; nor had he ever corresponded with his enemies during the time he was in the country. But he warned those, who, if their private interest went well, cared not whether religion sank or swam, and accounted it rebellion to adhere to their covenant engagements, to beware how they deceived themselves; that no magistrate could absolve them from the oath of God; that religion must be a main and not a secondary object; and that they were the best subjects who were the best Christians. The times, he added, were likely to prove very sinning times, or very suffering times, and let Christians make their choice: there was a sad dilemma in the business, sin or suffer; and truly, he that would choose the better part, would choose to suffer. Having again spent some time in devotion, when he had finished, he distributed some last tokens of remembrance to the friends who were with him. After his doublet was off, and immediately before he laid his head upon the block, he addressed those near him—"Gentlemen, I desire you, and all that hear me, again to take notice, and remember, that now, when I

am entering into eternity, and to appear before my Judge; and as I desire salvation, and expect eternal happiness from him, I am free from any accession, by knowledge, contriving, counsel, or any ways, of his late majesty's death; and I pray the Lord to preserve the present king, and to pour out his best blessings upon his person and government; and the Lord give him good and faithful counsellors. He then knelt down, and at a given signal—the lifting up of his hand—the knife of the maiden severed his head from his body. According to the sentence, his head was affixed on the tolbooth; but his body was given to his friends, by whom it was carried, with a numerous attendance, in funeral procession to Kilpatrick; thence transported by water to Denoon, and finally deposited with honour in the family burial place at Kilmun.

The palpable iniquity of Argyle's sentence awakened the pity even of those who had been averse to him during the latter part of his life; and excited throughout the nation in general the deepest feelings of abhorrence and detestation. He was regarded as one of the most upright statesmen of his age; and he certainly, more than any other of his contemporaries, refused to bend his principles to the changes of the day. From the moment he embraced the covenant he conscientiously adhered to it, till he finally sealed his attachment by his blood. His personal courage has been doubted, and he himself confessed that he was naturally fearful; but his timidity never led him to shrink from measures he thought beneficial to his country, however dangerous, or to flatter what he thought tyranny, however safe. "His sagacity," it has been said, "was not always exempt from enthusiasm;" yet who would condemn an enthusiasm that enabled a man to support steadily a good cause in evil times, and triumph over the fear of death, rather than abjure it? It will gratify the reader to know that the rapacity of Middleton, and those who persecuted this nobleman to death, was not rewarded with his spoils. Through the intercession of Lauderdale, whose lady's niece he had married, Lorn succeeded to the estates and all the titles [but marquis] of his father.

Swinton, who had not only been a judge under Cromwell, but previously forfeited by the parliament at Perth, having

turned a quaker, and frankly condemned his own conduct, when brought to receive sentence, was pardoned, and retired to the north, where he made several proselytes; among whom was reckoned the father of Barclay, the celebrated apologist for the sect. His safety was generally ascribed to the aversion Middleton had to Lauderdale, who enjoyed a grant of his estate. Sir John Chiesly, who was also forfeited at the same parliament, and deeply implicated with the usurpers, was passed over. His escape is ascribed to the possession of some important documents which clearly proved Lauderdale's accession to the delivery of the king to the English army, and which he gave up to the commissioner; but it is likewise attributed to the influence of money, which is highly probable; for among the first consequences of the king's return, was the shameless and universal venality of justice. Argyle was followed to the scaffold by James Guthrie, the ablest and most courageous of the Scottish ministers; and his condemnation was, if possible, even more atrociously unjust than that of the marquis. His adherence to the king had been constant and steady, and his opposition to Cromwell uniform and inflexible; but he did not believe the professions of Charles, and he had had the sincerity to tell him so: he had also published the sentence of excommunication, voted by the church commission against Middleton for his conduct in 1656; and was, besides, the champion of the church, whose punishment it was calculated would strike terror into the whole body of the presbyterians. The crimes of which he was accused were, contriving the western remonstrance; writing a book entitled the Causes of God's Wrath; subscribing the humble petition, August 23d; but chiefly declining his majesty's authority in ecclesiastical matters. His defence was irrefragable: he acknowledged his accession to the whole of the facts adduced against him; but demonstrated that not one of them by the law of the land could be deemed seditious or treasonable. And he thus summed up a luminous and argumentative speech:—"That I did never propose or intend to speak or act any thing disloyal, seditious, or treasonable, against his majesty's person, authority, or government, God is my witness! and that what I have spoken, written, or acted, in any of these things wherewith I am charged, hath

been merely and singly from a principle of conscience, that, according to the light given me of God, I might do my duty as a minister of the gospel. But because the plea of conscience alone, although it may extenuate, cannot wholly excuse, I do assert that I have founded my speeches, writings, and actings, in these matters, on the word of God, and on the doctrine, confession of faith, and laws of this church and kingdom, upon the national covenant of Scotland, and the solemn league and covenant betwixt the three kingdoms. If these foundations fall, I must fall with them; but if these sustain and stand in judgment, as I hope they will, I cannot acknowledge myself, neither I hope will his majesty's commissioner and the honourable court of parliament judge me, guilty either of sedition or treason."

The trial lasted from the 20th of February till the 11th of April, and the most strenuous attempts were made to induce him to withdraw his declinature. He was even offered a bishopric; but while he professed the utmost submission to the civil power in civil matters, he would not consent to allow that they were in the first instance the judges of a minister's doctrine—a power which, as the law then stood, they did not possess. When the protracted proceedings were brought to a close, he finished his pleading by a pointed and solemn appeal, which was heard with the most profound attention, and induced a number to withdraw, declaring, in the language of scripture, then the classical language of the times, "We will have nothing to do with the blood of this just man." Addressing the chancellor, "My lord!" said the intrepid but resigned minister, "I shall, in the last place, humbly beg, that having brought such pregnant and clear evidence from the word of God; so much divine reason and human law; and so much of the common practice of the kirk and kingdom in my own defence; and being already cast out of my ministry, driven from my dwelling, and deprived of my maintenance; myself and my family thrown upon the charity of others; and having now suffered eight months' imprisonment, that your lordship would put no further burden upon me. But, in the words of the prophet, 'Behold! I am in your hands, do to me what seemeth good to you:' I know, for certain, that the

Lord hath commanded to speak all these things, and that if you put me to death, you shall bring innocent blood upon yourself, and upon the inhabitants of this city. My lord ! my conscience I cannot submit ; but this old crazy body and mortal flesh I do submit, to do with whatsoever you will, whether by death or banishment, or imprisonment, or any thing else ; only, I beseech you, ponder well what profit there is in my blood ; it is not extinguishing me, nor many others, that will extinguish the covenant and work of reformation since 1638. No ! my bondage, banishment, or blood, will contribute more for their extension than my life or liberty could, were I to live many years ! I wish to my lord commissioner, and to all your lordships, the spirit of judgment, wisdom, and understanding, and the fear of the Lord, that you may judge righteous judgment, in which God may have glory, the king honour and happiness, and yourselves peace in the great day of accounts."

On the day of his execution, several of his friends dined with him, when, not only his cheerfulness, but even his pleasantry, did not forsake him. After dinner, he jocularly called for a little cheese—of which he was very fond, but had been forbid by his physicians to eat on account of a gravelly complaint—saying, “I hope I am now beyond reach of the gravel.” He delivered his last speech from the ladder with the same composure as if he had been delivering a sermon; and died with a fortitude worthy of the cause for which he suffered.\* A captain Govan, who appears to have been equally innocent, was hanged along with him, and met death with equal intrepidity. After expressing his hope of a blessed immortality, when the rope was put about his neck, he observed, “ Middleton and I went out to the field together upon the same errand ; now I am promoted to a cord, and he to be lord high commissioner ; yet would I not change situations with

\* Sir George Mackenzie does not attempt to justify the murder of Guthrie, and mentions his powerful talents with respect. “ Really it was to be regretted, that a more tractable and quiet person, had not had the keeping of his great parts and courage.” Hist. p. 51. And Charles himself said, when he heard of Gillespie’s being freed, “ If I had known you would have spared Mr. Gillespie, I would have spared Mr. Guthrie.” Wodrow, p. 69.

him for a thousand worlds!" Patrick Gillespie, through the interest of lord Sinclair, upon his submission, was only sequestered from his living. Samuel Rutherford's death, after a lingering illness, disappointed the malice of his enemies; and the first restoration parliament of Scotland terminated without more bloodshed.

Immediately after the adjournment, the commissioner hastened to London, leaving the executive in the hands of the privy council—an arbitrary court of the worst description, that assumed the judicial and almost the legislative functions, whose proceedings were arbitrary, secret, and from which there was no appeal. His conduct had been highly gratifying to the cavalier party at court, who were delighted with the extent to which he had carried the king's prerogative in that country, whence first the strongest opposition had arisen to the despotism of the crown; and whose endeavours after uniformity, it remained now only to repay by forcing upon them the adoption of a common hierarchy. At a council, which was called upon his arrival, Middleton gave an account to the king of his management of affairs in Scotland; and formally requested the royal pleasure respecting the religion which should be established by law; expressing his belief that presbytery being now abolished, if his majesty did not personally interpose to prevent it, the nation would return to episcopacy; and the altar which had been overturned would naturally regain its ascendancy with the restoration of the throne. Glencairn affirmed that, disgusted with the influence of the ministers, six for one longed for the re-establishment of the bishops and tranquillity; as wherever they swayed, there never had been any disturbance; whereas calvinism and presbytery had never been introduced into any country without producing rebellion and blood, as witness the civil wars of Geneva, of France, of Holland, when the states revolted from Spain, and now twice in their own country. Rothes said he had not seen the rise of the late innovations; but he knew the mischief the presbyterians had done in ruining the engagement, and by their indecorous treatment of the king. Lauderdale contended that the question was of too great importance to be settled without serious deliberation and much inquiry; and proposed that his majesty

should call a general assembly, or consult the provincial synods, who, as they consisted of lay elders as well as ministers, would inform him of the real state of public opinion in the country; or he might convoke an assembly of the ablest divines of either party, at Westminster, and obtain their sentiments, if neither of the former propositions pleased. The commissioner replied, that the last proposal would only tend to create confusion, and the two first were the most effectual methods to settle presbytery, as these assemblies would be guided by the ministers; nor would the ruling elders dare to quarrel the resolutions of their Rabbins; besides, to call these assemblies were to restore them, and to infringe the act recissory. All being silent after this reply, the chancellor of England observing that Crawford had delivered no opinion, insidiously requested his majesty, that all might be desired to express their sentiments, hoping either to force the earl to disown presbytery, or displease the king, and lose his treasurer's rod, which Maitland was desirous of obtaining. Crawford, thus pressed, keenly urged that provincial assemblies might be consulted; and assured his majesty that a vast majority in Scotland favoured presbytery. Nor were the offences of the reformers to be charged upon the reformation; the best innovations were ever attended with much irregularity, and therefore, it was better to continue that government, which had now past all those perils and errors which were originally unavoidable, than to hazard another, which would be at first unhappy in the same inconveniences; nor did the act recissory, cut off presbytery, for it had been secured by acts of general assemblies, which had been countenanced by his father's commissioners, and these were yet unrepealed. The duke of Hamilton added, that the reason why the recissory act had passed so easily, was because his majesty, in his letter addressed to the presbytery of Edinburgh, had promised, upon the word of a prince, to continue that form of church government. Clarendon, who, during the debate had reminded the king of the natural tendency of presbyterianism to excite sedition, concluded it by remarking that Crawford had owned all that the Scots had done in their rebellion, adding, "God preserve me from being in a country where

the church is independent of the state, and may subsist by their own acts—there all churchmen may be kings !” This last argument prevailed, and Charles, untaught by the revolutionary lessons of thirty years, resolved to adopt the worst measures of his father’s reign.\*

Lauderdale, whose principles never baulked his preferment, when he perceived farther opposition might be detrimental to his interest, deserted the religion which his majesty pronounced unfit for a gentleman, and urged the innovation he saw he could no longer prevent. The result of these deliberations was transmitted to the Scottish privy council, in a letter from the king, of which Glencairn was the bearer, accompanied by Rothes and Sharp. “ We,” said his majesty, in this document, with a low evasion, unworthy of a prince, “ did, by our letter to the presbytery of Edinburgh, declare our purpose to maintain the government of the church of Scotland, settled by law; and our parliament having since that time, not only rescinded all the acts since the troubles began, referring to that government, but declared also, all those pretended parliaments null and void, and left to us the securing and settling church government; we therefore, in compliance with that act recissory, from our respect to the glory of God, the good and interest of the protestant religion; from our pious care and princely zeal for the order, unity, peace, and stability of the church, and its better harmony with the government of the churches of England and Ireland, have, after mature deliberation, declared to those of our council here, our firm resolution, to interpose our royal authority for the restoring of that church to its right government by bishops, as it was by law, before the late troubles, during the reigns of our royal father, and grandfather, of blessed memory.” The council returned a dutiful and submissive answer; but Tweedale, who favoured presbytery, had hesitated in his acquiescence, and hinted the propriety of advising with the synods. This spirit, if unchecked, might have been troublesome, yet as it scarcely amounted to opposition, it was difficult to find a pretext for punishing. To reach it, Middleton had recourse to a most unwarrantable stretch of power. He

\* Wodrow, vol. i. p. 96. et seq. M’Kenzie, p. 54. et seq.

procured a royal order for the imprisonment of Tweedale, because he had spoken in vindication of Mr. James Guthrie, in the council, and had not voted for his death, in his place in parliament. It was in vain he pled privilege; he was forced to acknowledge his offence, before he obtained the favour of being confined to his own seat. His summary removal, secured in the council, an undisturbed unanimity, and a ready compliance with every royal wish, or mandate, however arbitrary. A proclamation was immediately issued, announcing the restoration of bishops, prohibiting assemblies of ministers in their synodical meetings, and forbidding all discoursing, or preaching against the change, under pain of imprisonment. This was followed by another, addressed to the burghs, commanding them, under the highest penalty, to elect none as magistrates, who were of fanatical principles, or suspected loyalty; and such was the universal servility, that this imperious illegal encroachment upon the freedom of election, was implicitly obeyed: none, who had discovered decided attachment to presbyterian principles, during the late troubles, were re-elected, or continued in office, in the obsequious burghs, nor does one solitary stand appear to have been made in support of their chartered rights;—so immediate and complete, had been the effect of the transfer of power into the hands of the ultra-royalists.

Episcopacy thus established by royal authority, a difficulty arose, similar to what had before occurred, respecting their ordination. Sydserf, alone survived of the former batch, and one prelate was incapable of laying on the quantum of pontifical sanctity, necessary in the construction of a bishop. A commission was therefore issued to the right reverend fathers in God, the bishops of London and Worcester, and some suffragans of the diocese of Canterbury, for this purpose; and Sharp, Fairfoul, and Hamilton, were summoned to London, where they were joined by Leighton, to receive consecration at their hands. At first, the Scottish ministers were for resisting the degradation, as their predecessors had done, and objected to re-ordination as priests. But it was determined entirely to eradicate presbytery, and the English clergy insisting that presbyterian ordination was perfectly invalid, the others, when

sacrificing the principle, did not deem it necessary to stickle for the form, and submitted to go through the inferior degrees, to qualify them canonically for their lordly rank in God's heritage.

The ceremony was performed in Westminster Abbey with great splendour, and was succeeded by magnificent entertainments, given by the new made bishops to the Scottish and English nobility. They returned home in state. From Berwick their progress resembled a triumphal procession, crowds of the needy nobles meeting them upon the road, and swelling their train. At Musselburgh, the cavalcade was joined by fresh accessions; at Edinburgh, the magistrates received them in their robes; and the sounding of trumpets proclaimed to the citizens the arrival of their new pastors. A series of feasting succeeded, in which the chief officers of state vied with each other in the extravagance of their banquets, and the jollity of their carousals with the church dignitaries: Sharp, now primate, aping the grandeur of nobility, launched an elegant London built carriage, and was attended by footmen in purple liveries. Leighton alone, distinguished for his learning, piety, and simplicity of manners, shrunk from the ostentatious parade which he deemed unworthy the character of a Christian bishop, nor partook of the revelry which marked the re-planting of prelacy in the ungenial soil of Scotland.\*

On the day after the arrival of the bishops, [May 8th, 1662,] the second session of the parliament commenced, and their first act was for the restitution and re-establishment of the ancient government of the church by archbishops and bishops, whose external order was declared to belong properly to the king as an inherent right of the crown. The bishops were restored to their ancient prerogatives and privileges, spiritual and temporal, in their fullest extent, untrammelled by any judicatory, being required only to exercise their function, with the advice of such of the clergy of known loyalty and prudence, as they might choose to consult; and by an excess of complaisance, becoming the legislators, from whom it emanated, all that should be determined hereafter, in the external polity of the church, by his

\* Baillie, vol. ii. p. 461. Wodrow, vol. i. p. 104—115. Burnet, p. 205, 206. M'Kenzie, p. 60—63. Kirkton, p. 155—157.

majesty, with the advice of his archbishops and bishops, and such of the clergy as he should call, was ratified by anticipation ! As soon as the act for their restoration had passed, the prelates who were in waiting, were invited by a deputation from each estate, to resume their places in the house, which they immediately did, among the earls, on the right of the commissioner.

The national covenant, and solemn league and covenant, were then declared unlawful, void and null, the acts of assembly, approving of them—which had been overlooked in the recessory act—by whomsoever ratified, were, at the same time abrogated as seditious ; and any writing, printing, preaching, or praying, which had a tendency to stir up a dislike to his majesty's supremacy in ecclesiastical affairs, or to the episcopal form of church government, was to be punished as seditious. An act was at the same time passed, requiring every person, who assumed an office of trust, to declare, that he judged it unlawful for subjects, upon any pretence of reformation, to enter into covenants, or take up arms against their sovereign, and to disown, as seditious, all that had been done by petition or remonstrance, during the troubles.\* This act, whose first operation was to disable conscientious presbyterians from holding offices under the crown, became afterwards, an engine of cruel oppression, and a snare to such as were obnoxious to the ruling party. The right of patronage was then restored, and ministers who had entered to the cure of any parish since the year one thousand six hundred and fifty-nine, without a regular presentation from the lawful patron, were deprived of their benefices, unless they should procure within four months legal titles, and have collation from the bishop of their diocese.

\* “The great design of this act,” Sir George M’Kenzie tells us, “was to incapacitate the earl of Crawford from being treasurer, and Lauderdale from being secretary ; but Lauderdale laughed at this contrivance, and told them he would sign a cartful of such oaths before he would lose his place.” And he adds, “Though Crawford was thereafter turned out of his office, yet Middleton missed it, and thus we see how God disappoints such as endeavour to ensnare their native country with unnecessary oaths and engagements.” Hist. p. 65. Yet this very Mackenzie pursued to death and banishment men, who would not sign not only unnecessary, but contradictory oaths and engagements !

The hierarchy, thus forcibly thrust upon Scotland, differed from that which the first Charles and his father had attempted to impose, not more in the precipitancy with which it was carried, than in the total absence of every thing that had the appearance of presbytery. There was no liturgy, or book of common prayer, again attempted; but the whole discipline of the church, was rendered absolute in the prelates, and they entirely dependant on the crown. Under the preceding episcopate, the bishops usurped pre-eminence in the synods and presbyteries, but possessed no magisterial voice, and were themselves, amenable, at least nominally, to an assembly; but now the ministers, like satellites, were ordered to attend their visitations, and diocesan meetings, to give their assistance in all things that should be required by their superiors, but to possess no voice in the legislation of the church.\*

Hitherto, the unsettled state of ecclesiastical affairs, had been the avowed obstacle to an act of oblivion; that, however, having now ceased, Lauderdale, who had witnessed so many revolutions, probably, not thinking himself quite secure until this measure passed, now pressed it with so much keenness, that the commissioner could get it no longer delayed. But he represented, that a number of royalists, who had been ruined in defence of the monarchy, remained without recompence, and that, as there were no funds, from which they could be relieved, it was but reasonable, that those who had preserved their estates, by compliance with the usurpers, or enriched themselves by their oppressions, should be fined, to repair the losses the others had suffered. The object of such a plan of procedure, in the hands of such a man, was evident, although it had a plausible shew of equity to support it; and Lauderdale and Crawford, who perceived clearly the advantages the commissioner would gain, by enriching himself and his friends, argued strenuously against any limitation, as ungenerous and impolitic. A full amnesty had been granted to all in England, except the regicides, and it seemed unkind and unfair towards Scotland, which had merited so

\* Scottish Acts, vol. vii. Apologetical Relation, p. 74. et seq. Naphtali, p. 168. Wodrow, vol. i. p. 120.

well of the king, and suffered so much in his cause, to be treated with less grace and indulgence. Middleton's representations, however, prevailed, only the fines were required not to exceed one year's rent, and the offences were restricted to those subsequent to the previous act of indemnity. But these restrictions were merely in words; the delinquents were delated, not according to the measure of guilt, but the capacity to pay, and a bribe to the commissioner, or some of his minions, was a surer safeguard against oppression, than the most untainted loyalty. In a committee, bound to secrecy, lists were made out of those liable to be fined, and without inquiry or examination, upwards of eight hundred persons were enrolled, as private malice, the hope of plunder, or wanton inconsideration suggested: among whom, there were many who were dead, others who had been abroad during the troubles, and not a few who were infants or at the breast.\*

Equally unprincipled, Lauderdale was not so imprudent as Middleton. He perceived the impropriety of proceeding with such precipitation, and although, like too many statesmen, he sacrificed both his integrity and his judgment, to retain his power, he endeavoured, as far as was consistent with his predominant passion, to introduce more rational methods, if not more tolerant maxims of government, into his master's councils. Middleton, who disdained moderation, was supported by Clarendon,—as jealous as himself, of Lauderdale's influence with the king,—and judging this a favourable opportunity, for getting rid of his rival, endeavoured to improve to that end, the opposition the secretary expressed to the act of fines. He therefore, despatched Tarbet to London, while the subject was in debate, ostensibly, with a draught of the bill of indemnity, as intended to be laid before parliament, but with private instructions to propose a clause for excepting

\* Robert Kerr of Graden, because an honest man, a merchant in Kelso, refused to afford him a suit of clothes upon trust, for he doubted payment, caused the man to be fined in six hundred merks Scots, for a noble revenge. This procedure is known by the name of the Act of Fines. Kirkton, p. 146. A number of atrocious instances are recorded by Wodrow, the above is merely a specimen of private petty revenge, to which any person in the country, unconnected with those in power, was then liable.

a certain number of persons, as incapable of holding any place of public trust. At a council, called for considering the act, Tarbet, who had previously shown Lauderdale the public deed, produced his private instructions, when the earl, surprised at the deceit, inveighed with much passion against the disingenuity of his conduct. Tarbet explained, that his instructions were not addressed to the secretary, to whom he acted with sufficient fairness, when he showed him a copy of the bill proposed to be introduced into parliament. The other, vehemently proceeded to condemn the project altogether, as unjust, and injurious; to exclude men from public trust, he averred, was equivalent to forfeiture, and no person ought to be so punished, unless the names of such, as were desired to be excepted, were first expressed, that his majesty might consider their special condition and desert, and that they ought then to be legally tried, and not punished in an arbitrary manner, without being heard. These arguments were strongly seconded by Crawford, who artfully suggested, that this was again committing to parliament the choice of the king's servants. But Tarbet contended, that it was merely delegating a power of inquiry to the parliament, and that his majesty still reserved to himself to judge of the propriety of their recommendation; besides, from the peculiar circumstances in which his majesty was placed, his long absence having rendered him unacquainted with the characters of those he was constrained to employ, an instance like the present, would never again occur, and could never be drawn to establish a precedent. The duke of York, Clarendon, and Ormond, all of whom disliked Lauderdale, coincided with Tarbet; and the king granted his warrant, for excepting from places of public trust, any twelve persons, whom parliament should name.\*

While Tarbet was thus dexterously undermining the commissioner's enemies at court, Middleton's blind impetuosity was hastening his own ruin at home. The riotous waste of his establishment, occasioned incessant demands for money, and his constant intoxication, inflaming his passions, rendered him insensible to any prudential checks upon their gratifi-

\* M'Kenzie's Hist. p. 70.

cation.\* Both his revenge and his avarice were interested in the fall of Argyle; his revenge had been satiated in his blood, but his avarice had been disappointed by the gift of his estates to his son. They were, however, burdened with a debt of four hundred thousand merks, for which Argyle had a bond on Huntly's estates; but when these estates were restored, they were voted to be restored free, and Argyle's claim was disallowed. Lorn, irritated at the continued persecution his family was exposed to, expressed his sentiments freely, in a confidential letter he sent to his friend, lord Duffus, in which he told him, he had prevailed with a nobleman in England, to procure him the assistance of the great man, [Clarendon,] upon whom Middleton depended, if he could get £1000 sterling, and that being done, he hoped that this was but a “gowk's storm;” after some expressions about the parliament, he added, “And then the king will see their tricks.” This letter was intercepted at the post-office, and carried to Middleton, who immediately laid it before the estates, and founded upon it a capital charge against Lorn, for the Scottish crime, leasing making, as if he intended, by exhibiting the tricks of his enemies, to sow dissension between them and the king. Instructions were instantly sent to Tarbet, to entreat his majesty that Lorn might be sent down as a prisoner to take his trial. Charles, who thought the communication indiscreet, but not criminal, had not as much honourable feeling, as instantly to dismiss an accusation which he perceived to be both malicious and trivial, but ordered Lorn to return to stand trial, before the same tribunal, that had so iniquitously condemned his father; and it was only through the earnest entreaty of Lauderdale, who offered himself personally, as his bail, that he was not sent down as a prisoner, and that the king, in anticipation of the issue, transmitted express instructions, forbidding any sentence from being executed till he saw and approved of it. Lorn, aware of the inutility of any

\* The commissioner had £50 a day [equal to five times the sum now allowed him, which he spent faithfully among his northern pantaloons; and so great was his luxury, and so small his care of his family, that when he filled his wine cellar, his steward thought nothing to cast out full pipes to make room for others. Kirkton, p. 114.

defence, made none: in a long speech in mitigation, he recounted the prosecutions he had received, the attempts that had been made to ruin him with the king, and the libels that had been printed against him, and appealed to the court, whether it was not natural for him, in writing to his friend, to express himself warmly, while he protested, he meant no harm to any person, his intention being to refute the lies of others, not to be guilty of forging falsehood himself, and he threw himself upon the justice of parliament, and the mercy of the king. The parliament found him guilty of death, but though the king saved them from the crime of his blood, no pardon could wipe away the infamy and degradation they incurred by their verdict.

Tarbet had succeeded to the utmost extent of his commission, not only was the exception granted, but, without acquainting Lauderdale, the king wrote to the commissioner, an order for five resident Scottish counsellors, at Whitehall, and left their nomination to him. The fall of the secretary seemed certain, when his enemies saved him, by their anxiety to make assurance doubly sure. Afraid openly to attack the present ministers, by proposing their names in parliament, an act was framed for incapacitating twelve persons by ballot; the members were to give in their lists in a borrowed hand, these lists were to be scrutinized by a secret committee in the exchequer chamber, and after the number was agreed upon, the billets were to be burned, and the names of the balloted to be concealed upon oath. When the act was preparing, the commissioner procured the lists to be so framed, that the earls of Lauderdale and Crawford were included among the exceptions; and immediately upon its being voted, ratified it by the touch of the sceptre, without ever consulting the king upon the subject. So anxious had he been to prevent any notice reaching court, that every avenue was stopped, and every precaution taken to prevent its transpiring; but the gratitude of Lorn eluded the vigilance of Maitland, and Lauderdale was acquainted with the whole before any official information was received. That able politician communicated his intelligence to Charles in a manner the best calculated to produce irritation:—"Other commissioners," he said, "used

to consult their master before they sanctioned even common acts of parliament; but here the commissioner had not so much as asked his majesty's advice in putting his own servants from him." Clarendon, when he first heard it, imagining that it was a device of Lauderdale's to hurt Maitland, decidedly condemned it as an invasion of the royal prerogative, and a mean by which his majesty's most loyal servants might be ruined. The king himself, perceiving that all parties condemned the proceeding, received the deputation, sent by the commissioner with the act, very coolly, threw it into his cabinet, after looking it over, and said, "he would not follow the advice of his Scottish parliament, but he would not disclose their secret."

The estates rose in the month of September; and next day, the council issued an order for the diocesan meetings to be held throughout the kingdom on the second Tuesday of October, in the southern, and the third Tuesday, in the northern division. In the north, their injunction was pretty generally obeyed. In the south and west, particularly the west, very few of the ministers attended the bishops, although the men high in office endeavoured by their example to induce them to comply. They continued in the regular exercise of their ministry; but the dissatisfaction was universal, and the determination to refuse taking oaths, which they considered unlawful, was wonderfully strengthened by the sublime and impressive spectacle their brethren in England afforded, of three thousand ministers in one day\* giving up their livings rather than submit to violate their consciences. Middleton, released from his legislative cares, about this time made a tour to the west, accompanied by a quorum of the privy council; their progress was marked by the most revolting debauchery: and in a district hitherto distinguished for peculiar sobriety of manners, they exhibited scenes of unhallowed mirth, beyond the licentiousness of common profligates. At Glasgow, the bishop—Fairfoul—complained to the commissioner that the act of parliament had been little regarded; that none of the young ministers had acknowledged

\* St. Bartholomew's, August 24th, 1662, when the act of uniformity was enforced.

him; and that he had all the obloquy without any of the power of his station. Force was the only remedy that occurred to the prelate, or to his grace, and an act of council was framed at a meeting where only two of the members were sober, by which all the ministers who had entered upon cures since the year one thousand six hundred and forty-nine, and had not regular presentations, or who should not have received collation from bishops, were ordered to be deprived of their stipends due for the past year, to leave their dwellings with their families, and forbidden to reside within the bounds of their respective presbyteries. Lockhart, of Lee, alone protested against this rash step, as more calculated to increase than allay the public hatred at the bishops; and asserted that the young ministers before they would acknowledge and submit to episcopacy, would suffer more than the loss of their stipends.\* Middleton, who had no idea of men with families voluntarily throwing themselves upon the wide world without any settled dwelling place, merely for the sake of a good conscience, disregarded the warning, and to the regret of the wisest supporters of prelacy, persisted in enforcing the provisions of the act with the utmost rigour. To his utter astonishment, upwards of three hundred chose rather to be ejected than comply. Turned out of their homes in the depth of winter, and deprived of their stipends, they exhibited to their disconsolate congregations a firmness of principle which elevated their characters and endeared their ministrations, while it excited an invincible hatred to the intruders who succeeded them, and an utter detestation to a church polity ushered in by such manifest iniquity. Sensible of their error, by the wide desolation which covered the country, the council, on their return to Edinburgh, endeavoured to retrieve it: the archbishops were summoned to the capital to assist with their advice; and a proclamation was issued allowing all the ministers who had lost their livings

\* Burnet says, the duke of Hamilton and Lockhart of Lee. Vol. i. p. 223. Kirkton asserts, there was only one, Lockhart of Lee. Hist. p. 149. Wodrow mentions that in the register, the act stands signed by the duke of Hamilton, and all the council except Lockhart of Lee, and the laird of Blackhall. Vol. i. p. 125.

under the Glasgow act of council, liberty to obtain presentations from the patron, and collation from the bishops before the first of February, one thousand six hundred and sixty-three. Non-compliance was threatened with severer punishment ; and to evince the sincerity of their threatenings, the council banished several of the most eminent of the old ministers who refused to take the oath of allegiance, unless they were allowed to explain it so as to exclude an express acknowledgment of the king's spiritual supremacy.

These were Middleton's last acts in Scotland : Lauderdale's superior genius, ever on the watch, obtained the ascendant, and the commissioner was ordered to London to stand on his defence. He was accused of having practised deception, both upon the king and the parliament ; of having exceeded his instructions in passing acts of high importance, without consulting the king, and in one instance, of touching with the royal sceptre, an act, which took from his sovereign, the power of pardoning the sins of those forfaulted in last parliament, “yea, and declaring his royal pardon, if he should sign any, null and void !”\* of allowing the guilty to escape for money, and fining the loyal and the innocent ; of having mismanaged the public money, and empowering himself to name a receiver of the fines which belong to the king ; but above all, of having sullied his majesty's glorious attribute of mercy, for which he was celebrated throughout Europe, by introducing a species of ostracism, a method of condemning the first ministers of the state, by ballot, borrowed from the Athenians, who were governed by that cursed lord, the people, and their

\* This refers to an act of unexampled severity, entitled, ane act anent the children and posteritie of forfeited persons, in which it is provided, “ That if any person whatsoever, shall offer to trouble his majestie with, or offer any solicitations, petitions, or desires, in behalf of any of the persons, who are, or shall be found guilty of such hie treason, or their children or posterity, for their restitution, or being rendered capable to enjoy any future possession or dignity, within the saman ; every such person so offending, is to be punished as a disloyal subject. Acts of Parl. of Scot. vol. vii. p. 418. A prohibitory act, without a penalty, might extend to any arbitrary punishment less than death. M'Kenzie's Works, vol. i. This act was repealed next session, not however on account of its injustice, but at the desire of Lauderdale, to affront Middleton.

oyster-shell billeting, but never known under any monarchy, a method by which a punishment, more severe than death, was inflicted upon his majesty's servants, without accusation or trial, by the hidden malice of their enemies, without affording them the means of justification, and withholding from their royal master an opportunity of ascertaining their crimes, or exercising his prerogative.\* The commissioner, in reply, passed over very slightly the other charges, and anxious only to repel that of touching on the royal prerogative, by the act of billeting, alleged, that although the act was passed, it was not imperative on his majesty, as it had never been published, and was not so much as recorded; and unless he approved it, it was, and must ever remain a dead letter. Clarendon, Sheldon, bishop of London, and the whole of the party, extolled the administration of Maitland—his bold and admirable measures for the establishment of episcopacy, the merit of which ought to extenuate one error, if it were one, into which he had fallen, from his eagerness to serve his majesty. But the secretary had infused doubts into Charles' mind, whose appetite for money was as craving as the commissioner's, and assailing him artfully, at once, by his jealousy of power and his avarice, he succeeded in shaking his confidence in Middleton; for one of his favourite maxims was, that no man was honest but from interest.†

\* Sir George Mackenzie styles this accusation, the great masterpiece of Lauderdale's life. Hist. p. 78. And Mr. Laing characterises it, as written with a vigour and eloquence, seldom to be found in state papers. Hist. vol. iv. p. 29. Note. I regret my circumscribed limits prevent me from inserting it whole.

† It is highly amusing to observe, the equanimity of manner with which Lamont notes in his diary the most important and most minute subjects, the fall of a statesman, or the movements of a mountebank: all are narrated with the same gravity; only the latter, printed on the same page, appears the most important transaction of the two, by the length of the description. Middleton's dismissal is finished in three lines; the other proceeds thus:—"Ponteus the mountebancke, was now the thrid tyme in Scotland, viz. 1 in anno 1633, 2 in anno 1645, and now in anno 1662 and 1663. Every tyme he had his publicke stage erected, and sold thereon his droggs to the peopell, the first tyme, for 1 lib. price, the second tyme for 1 lib. 9s. the third for 18 pence. Each tyme, he had his peopell that played on the scaffold, one ay playing the foole, and ane other, by leaping and dancing on the rope, etc. The two last times

While Charles wavered, Lauderdale, by a skilful manœuvre, roused the intemperate rage of his rival, and availed himself of his imprudence to complete his overthrow. He induced the king to send a mandate to the Scottish council, [January twenty-third, one thousand six hundred and sixty-three,] forbidding, by virtue of his prerogative, their exacting the first moiety of the fines until his pleasure should be known, and discharging the collector Middleton had appointed. Middleton, who perceived that this blow would effectually destroy his interest in Scotland, by showing his friends his incapacity to reward them, wrote a letter to the chancellor countermanding the royal order; and the council, upon receipt of it, recalled the proclamation they had prepared in obedience to his majesty. No sooner did Lauderdale learn this than he went to Charles, and told him that now Middleton, and not he, was king, for he could recall his majesty's express warrant by his own private instructions. Indignant at this encroachment upon his authority, the monarch sent for Middleton, who pled in vain a verbal consent of his majesty: the king had either forgotten, or did not choose to remember the circumstance, and in a few days dismissed him from all his offices. The governorship of Edinburgh castle was given to Lauderdale, and Rothes was appointed commissioner. It frequently happens in political changes that the ostensible are not the real causes; in this revolution Lauderdale is said to have owed much to the reigning mistress, the dutchess of Cleveland; and Rothes strengthened his interest by promoting a marriage between

he was hire, both his prented peapers and his droggs were one and that same. The last tyme he was hire, he was at Edenboroughe, Stirling, Glasgow, Perth, Cuper of Fyfe, and St. Androus; and in the end of December, and the tuo pairt of January 1663, he had his stage at one and the same tyme, at Cuper and St. Androus, viz. at St. Androus, on Mонедау and Saturday, and att Cuper on Tuesday, Wednesday, and Thursday. About the same tyme, ane other mountebancke, a High German, that came to this kingdom, that had the like sports and commodities, for to gaine money. He was att Edenboroughe, in like manner twyse, as also att Aberdeine and Dundie: he likewyse, had the leaping and flying rope, viz. comeing down ane high tow, and his head altheway downward, his armes and feite holden out al the tyme, and this he did devirse tymes, in on afternoon." Lamont's Diary, p. 199.

James, afterwards duke of Monmouth, the king's favourite bastard, and his own niece, the dutchess and heiress of Buc-  
cleugh.\*

Middleton, after lingering in obscurity for some time, was sent into a kind of honourable banishment as governor of Tangiers; where, falling down a stair in a fit of intoxication, he broke his arm so severely, that the bone protruded through the flesh, and penetrated his side: a mortification was the consequence; and it has been noted by some historians as a remarkable retributive coincidence, that the right hand that was the ruin of his country, was the means of his own destruction; and he who had exiled so many of the worthiest of his countrymen, himself died a stranger in a foreign inhospitable land.† His administration had been so infamous that his disgrace was hailed as a national deliverance; but the rejoicing was only of short duration. Lauderdale, who now succeeded to the uncontrolled direction of Scottish affairs, had been a zealous covenanter, and a strict professor; but, seduced by his ambition, and corrupted by the court, he had apostatised from his religion, and shaken off his unfashionable morality; and was obliged to evince the reality of his change, by his profligacy of manners and his subservience to the episcopalian

\* Besides, Lauderdale employed another stratagem, under pretext of consulting about the contract of this marriage, he caused his friend, Sir John Gilmour, president of the court of session, to be called up to London, who, "Being warmed with a kind collation," was introduced to the king, and "did complain to his majesty with tears, of Middleton's rash and illegal actions," "which," it is said, "had the greater impression upon his majesty, that he was figured to the king, as a person, who had been an eminent royalist and sufferer, and that he wept for joy, when he spoke to his majesty." M'Kenzie's Hist. p. 114.

† Wodrow mentions, that he had from good authority, that in the times of the covenant, such was his forward zeal for it, that coming out of the place, where he and others had taken the oath, he said to those who were with him, "This was the pleasantest day he had ever seen, and if ever he should do any thing against that blessed work he had been engaging in," holding up his right arm, "he wished to God, that might be his death." The story is not unlikely; when men engage in religious associations, from political motives, they usually exhibit a much more fiery zeal, and profess a more outrageous affection for the object, than those who do so from purer principles.

clergy, of whom the majority, like himself, were presbyterian renegadoes.

During the winter and spring, almost all the churches in the west having been deprived of their ministers, a requisition was made on the north to supply the deficiency; and as the livings were in general comfortable, and the bishops not over scrupulous in their examinations, a number of half educated young men, or immoral expectants, who had been excluded by the strictness of the old discipline, were induced to enter upon the vacant charges—for which they were as incapable as they were unwelcome—in face of the most violent opposition. In some places they were assailed by showers of stones; in others, the church doors were barricadoed so securely that they were obliged literally to fulfil and exemplify the character given in Scripture of the spiritual thieves and robbers; and in all they were stigmatised as the “bishops’ curates.” Nor did their conduct tend to reconcile the people to the manner of their introduction; even an episcopal writer acknowledges “they were ignorant to a reproach, and many of them openly vicious; they were a disgrace to the order and the sacred function.”\* In these circumstances, the people, deprived of instruction in the parish churches, deserted them, and wandered either to distant parishes to hear such of the old ministers as were not comprehended under the Glasgow act, or remained at home, and spent their silent Sabbaths in musing on the dismal blank around them, unless when favoured with an opportunity of hearing their old pastors, who, during this period, commenced the practice of field preaching, which thus originated :—

The ousted ministers, as they were termed, denied the liberty of their pulpits, lengthened their family devotions; and the people were attracted to these exercises in such numbers, that, the houses being unable to contain them, they first preached without doors to those who were gathered around, and afterwards, as the congregations increased, some

\* Burnet, vol. i. p. 229. Kirkton, p. 160.

of them went to the fields; where crowds were attracted from all the neighbouring parishes. These conventicles had increased, and were increasing to a degree that seriously alarmed the prelates, when the time for the meeting of parliament brought the new commissioner to Scotland.

Afraid of fresh plots, Lauderdale accompanied him in his journey, under pretence of examining into the question of the ballot; but in fact to direct the whole government of the country. At his entry into the ancient kingdom, a great concourse met him upon the border; for besides the chief men of Fife, where his interest lay, all who expected advantage, and all who deprecated loss from Middleton's fall, were eager to pay court to the ruling planet. But the first deed of the viceroy showed that the presbyterians had gained nothing by the change. On the night of his arrival, a council was summoned at the abbey; where, after exhibiting his commission, he produced a letter nominating the archbishops of St. Andrews and Glasgow, and lord Halton\* as members; on the same night, however, he granted a warrant for Lorn's release from his confinement in the castle, whither he had been sent to await the king's pleasure. The chancellor made a fruitless attempt to unite Middleton's friends in an opposition, or at least to persuade them to vindicate their own acts, and try their strength in parliament, where he flattered himself the late administration would be able to procure a majority, or, in all events, muster so strong as to enable them to retire with safety, if not with honour; but the unexpected suddenness of the revolution confounded the adherents of the fallen commissioner, and each, afraid for himself, hastened, by an early submission, to make his peace with the reigning favourite.

When parliament assembled, [June 18th,] before entering upon any other business, they surrendered what little remnant of independence they had left, by reverting to the old way of choosing the lords of the articles, and establishing it by law. The clergy retired to the exchequer chamber, and chose eight noblemen; and the nobility to the inner house of

\* Charles Maitland, Lauderdale's brother.

the session, and chose eight prelates; which being done, the clergy and nobility met together in the inner exchequer room, and having shown their elections to each other, the persons elected, or so many of them as were present, remained, and jointly made choice of eight barons, and eight commissioners; who then presented the whole election to his majesty's commissioner; and he, upon being satisfied, returned to the parliament house, where the lists were read and approved as a matter of course. From the servility of the bishops, who in fact had the nomination of the whole, the choice of the lords of the articles was thus for ever formally vested in the creatures of the crown. Their next step was one naturally and necessarily deeper in debasement. The king, in his letter respecting the billeting act, having expressed his displeasure at the conduct of his parliament in presuming to prescribe to him, or to limit the exercise of his royal clemency, they repealed the act; yet, with it standing on the record, where it is at this day, they disclaimed ever having done any such thing! "Your majesty," said they in their reply, "desiring to know the treuth from us, we find, by the unanimous opinions and votes of the house, that the parliament gave no warrand to desire your majesty that the act of indemnity should carry ane exception of incapacitating from public trust, and that the parliament gave no warrand at all in their names for your majesty's consenting to the incapacitating of a few!"

Their other proceedings were in unison with this commencement. The clergy, irritated at the people's refusing to hear the curates, procured an act, by which all ministers who refused to attend the diocesan meetings were to be deprived, and if after deprivation they dared to preach, were to be punished as seditious. Every nobleman or heritor who should wilfully absent himself from his parish church on Sabbath, was to lose a fourth part of that year's rent in which the crime was committed; every yeoman or farmer, the fourth part of his moveables; and every burgess the same, besides forfeiting the freedom of the burgh, and such other corporeal punishment as the privy council might choose to inflict. The abjuration of the covenants was re-enacted under similar penalties; and to crown the services of this parliament, an offer was made to

the king, to raise twenty thousand foot and two thousand horse, to serve in any place in Scotland, England, or Ireland; and all regulations respecting foreign trade, imposing duties or restraints, were as an inherent prerogative of the crown, committed without limitation into his majesty's hands: which, being passed as a declaratory act, could not be questioned without his majesty's special warrant.\* In virtue of this last enactment, numerous and ruinous monopolies were granted; but such was the blind servility and unhesitating degradation of the majority in that vile assembly, that the religion, liberty, and commerce of the country, were, without debate, decreed to be dependant on the will of the sovereign; who rewarded them, as such slavish sycophants deserved to be rewarded, by making them themselves feel the bitterness of that servitude to which they had reduced their country. It often affords a consolation to suffering humanity to observe, that the minions of arbitrary power are not unfrequently its ultimate victims.

The execution of Johnston, Lord Warriston, which took place during the session, cast an additional stigma on this assemblage, as an unnecessary piece of cruelty, to gratify the vindictive personal revenge of Charles, who never forgave him the freedom with which he had censured his profligacy while in Scotland. Sir Archibald, after his escape, had resided securely in Germany for two years; but having unadvisedly gone to Rouen, in Normandy, the English court claimed him, and he was delivered up by the French king to their vengeance. As a convicted traitor he was marched bare-headed from Leith to Edinburgh, his weak, enfeebled appearance creating universal commiseration. When brought before parliament to receive sentence, his mind appeared equally debilitated with his body; the excessive bloodletting he had undergone, followed by prescriptions he had taken when under the care of Bates, successively physician to Cromwell and Charles II., had reduced him to a state of second childhood;

\* Acts of the Scottish parliament, vol. vii. p. 461. M'Kenzie's Hist. p. 118, et seq.

and the man whose vehement and convincing eloquence had in other days commanded attention and carried conviction to senates, could now scarcely utter a connected sentence. His memory had totally failed, and his spirits, overborne in the wreck of his faculties, were unable to sustain him; he wept, and knelt, and implored their pity. Some of the members, struck with the melancholy reverse, voted for delaying his sentence; but Lauderdale, who knew the king's inveteracy, interposed, and silenced the voice of mercy. The night before his execution, he slept soundly, and awoke on the morning of that day, calm and composed; his recollection returned, and his deportment on the scaffold shed a splendour over the last scene of his suffering, which his friends delighted to dwell on, and his enemies have endeavoured to dim, by describing his previous imbecility as the effects of unmanly fear. He was a person of a vigorous and acute understanding, possessed a ready and convincing eloquence, was well calculated for managing popular assemblies, and admirably adapted for methodising their proceedings, and carrying forward their business. His zeal for the cause of religion in public, was supported by exemplary devotion in private; and the only blemish which his enemies ever attempted to affix to his political character, was his accepting an office under Cromwell, after having severely inveighed against him.\*

\* The report that he was poisoned by Bates, was very current at the time, and generally believed. Lamont's Diary, p. 206. Kirkton, p. 170. Wodrow, vol. i. p. 173. In the preface to the Apologetical Narrative, it is mentioned as a certain fact, nor is there any thing, either in the character of the physician, or the king, to render it improbable. The assassin, Riardo, was received at the English court, and encouraged in his attempts against the republican exiles at Bern. Ludlow's Mem. folio, p. 395. A monarch, who could authorise the stiletto, would hardly hesitate to sanction the prescription of poison; and Bates is said to have allowed his friends to boast, that he helped to shorten Cromwell's days. Biog. Brit.—Scarcely any man of eminence fell about this time, whose fate had not been the subject of prognostication in some shape or other; were not the following told with great gravity, we might be apt to suspect it, as intended to burlesque the propensity. “ Before and after [Warriston,] his death, there was a report noised abroad, said to be uttered by the midwife at his birth, thus: “ Full moon, full sea, great man shall thou be, bot ill dead shall thou dye!” Lamont, p. 206.

No parliament sat for the six succeeding years.\* But the privy council had already usurped their authority; and, during the long vacation, their arbitrary illegal acts were promulgated, as of equal force with the statutes of the legislature, and violently carried into execution by the military. In August, during the time of the session, upon their own authority, they forbade all ministers who did not attend the bishops' courts, and yet persisted in preaching, or holding conventicles, from residing within twenty miles of their former parishes; within six miles of Edinburgh, or any cathedral church; or within three of any royal burgh; they also subjected every absentee from church in a fine of twenty shillings Scots for each day's omission; rendered the attendance upon meetings for religious exercises liable to the penalties of sedition; and commanded all masters of families, and landlords, to cause their servants and tenants keep their parish churches, or remove them out of their houses, or lands, under a severe responsibility. Levying these fines was committed to the military, who were also the judges, the curates were the accusers; but neither witnesses nor formal procedure were deemed necessary—to be accused was to be guilty, and, as the soldier appropriated the fine, it was exacted without mercy, and often to double the amount of what was due even by these iniquitous laws. If any reluctance was shown, a party was quartered upon the recusants till they were eaten up, and when nothing more could be extorted,

\* Two conventions, however, met in the interval. These meetings, I need scarcely remind the reader, differed from parliaments in this, that conventions could only be assembled for one specified purpose, whereas, parliaments could deliberate upon any given subject. The first was held 2d August, 1665, on account of the Dutch war, to give the lieges of Scotland an opportunity of testifying their zeal for his majesty's service; and as there was no chancellor at the time, the archbishop of St. Andrews was nominated president by the king. They evinced their loyalty, by a grant of one hundred and thirty-three thousand pounds yearly for five years. The second sat down on the 9th January, 1667, of which the duke of Hamilton was appointed president. They voted a supply for one year, of three score and twelve thousand pounds monthly, to reward the services of the standing army, which had so meritoriously exerted itself, in preserving the peace of the country, and putting down the rebels at Pentland! Scottish Acts, vol. vii. p. 530. et. seq.

their goods were distrained and sold for a triflē; numbers of industrious families were thus ruined, and scattered as beggars throughout the country. Oppression was accompanied by insult; under the sanction of the worthless clergy, the religious worship of poor families was ridiculed and interrupted; and they were dragged to church or to prison at the will of a private sentinel. After sermon, a roll of the parishioners was called by the parson, and all absent without leave were given up to the military, who admitted of no excuse except a fine; and, in the wantonness of power, often made the present tenant, who temporised, pay, because his predecessor had not been so compliant.

Different detachments were sent to the south under the earl of Linlithgow and Sir Robert Fleming; but the chief scene of suffering was the west, where Sir James Turner, recommended by his desertion from the cause of the covenant, was instructed to see that the laws were regularly executed, and the bishops and curates reverenced and obeyed. Naturally fierce, he was furious when drunk, and being often in that state, he regarded neither law nor justice; but followed the directions of Burnet, archbishop of Glasgow; of which, he afterwards acknowledged, he was ashamed, although he did not carry them to the extent which that prelate desired.\* Glencairn, the chancellor, when he supported episcopacy, intended that it should be limited, and subordinate to the civil officers of the state; Lauderdale, who knew better than he the spirit of the system and its supporters, told him, since he was for bishops, he should have them, and higher than ever they were in Scotland. When too late, he found the prediction had proceeded upon a thorough knowledge of the men, and fruitlessly endeavoured to mitigate the imperious priesthood he had contributed to raise. Sharpe complained that the earl did not second the efforts of the ecclesiastics, and he, disgusted with their intrusive ambition, complained of their severities: the council divided, and the primate, who could brook no control, hastened to London to represent the remissness of the nobles, and to raise the cry of—the church is in danger.

\* Burnet, vol. i. p. 509.

The English prelates had a fellow-feeling with their Scottish brethren, and supported Sharpe in his proposal to re-introduce into Scotland the court of high commission ; which, amid all the restored abuses, had never dared to be hinted at in England. His majesty, on their united solicitations, consented, and, in virtue of his supremacy, authorised its erection ; and to mark his sanction by additional honours, he ordered the archbishop of St. Andrews, who was named first in the commission, to take precedence of the lord chancellor.\* The court consisted of nine ecclesiastical, and thirty-five lay members ; of whom five, including one prelate, made a quorum. Their powers were of the most extensive nature, they could suspend or depose churchmen, take cognisance of all keepers of conventicles, all who preached in private houses, who kept meetings or fasts without license, spoke or wrote scandal to the detriment of the government, or expressed their dissatisfaction with the present acts about church affairs : they could fine or imprison all transgressors, and were authorised to do and execute whatever they should find necessary for his majesty's service. From their sentence there was no appeal, all magistrates and military were to execute their orders, and the lords of council to grant letters of horning upon their fines.†

This court has been compared to the old lion's cave, the road to which was marked by many an entrant, but contained

\* The young Scottish nobility had sadly degenerated from the high spirit of their forefathers. When Charles the I. attempted to obtain for the primate, Spottiswood, only one day's precedence, the then lord chancellor, gave his majesty the retort courteous. "I remember," Balfour, Lyon-king-at-arms, narrates, "that k. Charles sent me to the lord chancellor, (being then earl of Kinoule,) the day of his coronatione, in the morning, in Anno. 1665, to shew him, that it wes his will and pleasure, bot onlie for that day, that he would ceed and give place to the archbispope; bot he returned by me to his majestie a werey bruske answer, wich wes, that since his majesty had beine pleased to continew him in that office of chanceller, wich, by his meines, his worthy father of happy memorie had bestowed wpon hime, he was redy, in all humility, to lay it doune at his majestie's feet, but since it was his royal will, that he should enjoy it, with the knownen prevedelges of the same, neuer a ston'd priest in Scotland should sett a foote before him so long as his blood wes hott." Annals, vol. ii. p. 142.

† Burnet, vol. i. p. 306-7. Wodrow, vol. i. p. 192-7.

no vestige of a returning footstep: none escaped who appeared before it; the formality of evidence was dispensed with; and if any of the accused were prepared to prove their innocence, the investigation was stopped, and they were entangled by ensnaring questions, or required to take the oath of supremacy, and acknowledge the spiritual power of the king. The lay members endeavoured to introduce some legal forms, but the primate considered this as a betraying of the church, and Rothes supported his tyrannical violence, which soon overstepped every boundary of law. The fines were frequently doubled, and corporeal inflictions were added to pecuniary mulcts; every trifling riot which took place at the settling of a minister was construed into a seditious assemblage, and respectable persons, in the middle ranks of life, for expressing their disapprobation a little too roughly, and boys for petulantly throwing a few stones, were imprisoned, publicly whipped, branded, and sold as slaves to the plantations. If the churches were empty the jails were full; till the people, preferring voluntary exile to foreign bondage, fled in numbers to Ulster, where they enjoyed, at least, a comparative tranquillity; or, if they remained at home, allowed themselves to be outlawed, rather than appear in such a court. At length, the nobility, ashamed of their own subservience to clerical revenge, refrained from attending any meetings of the commission, and at the end of about two years, this inquisitorial tribunal expired. Such was the general contempt into which it had fallen, that for some time before it dissolved, the bishops could neither procure judges to sit, nor parties to appear.\*

Not long after, Glencairn died; and Sharpe, who eagerly grasped at every preferment, anxiously wished to engross the chancellorship, as it had been formerly held by a churchman.

\* The records of this nefarious court have been lost or destroyed; but instances of its arbitrary proceedings have been preserved sufficient to justify the terms of detestation in which it is mentioned by all our historians. Kirkton styles it a hermaphrodite court. The Apologetical Relation, a monster of judicatories, having two bodies under one head, and each changing their nature; dukes and lords exercising the clerical function of excommunication, and clergymen inflicting the civil penalties of imprisonment, confiscation, and banishment. Kirkton, p. 205-11. Apologet. p. 320.

In an interview with the king, he represented strongly the necessity, in such times, of that office being held by a person who was episcopal in heart, although not in clothes; and expressed his own intention of refusing it, had it been offered him. Then went straight to Shelden, bishop of London, whom he requested to point out to his majesty the propriety of bestowing it upon him; Shelden did so, and when the king told him the primate's previous conversation, he could only request his majesty to respect the archbishop, and pardon the man. He said he would do so; and when Sharpe returned, desired him to point out a nobleman proper to fill the situation. He named Rothes to fill it *pro tempore*, to which his majesty consented.\* He was already commander-in-chief of the forces by sea and land. Crawford, rather than take the oaths, had resigned the treasurer's staff; this also was bestowed upon him: he was now chancellor *de facto*; and afterwards continued as commissioner for an indefinite time—the first instance of such a trust in Scotland. This accumulation of places in one person was regarded as extremely invidious, while there were so many claimants who had a preferable right, and the country afforded so few offices of profit. But his devotion to episcopacy was a recommendation to the king; and his ready compliance with their worst measures recommended him to the bishops. Fletcher was, during the course of the year, removed from being advocate, on a charge of bribery; and Sir John Nisbet, a still more severe persecutor, appointed in his room.

Amid these changes, no change took place in the public measures for enforcing obedience to the prelates. Turner continued his expeditions to the west, as if he had been invading an enemy's country; and every succeeding incursion was marked by increasing barbarity. The mass of a people are seldom sufficiently enlightened to be actuated by the pure principles either of religion or liberty; and when providence visits a nation with these blessings, or designs to preserve them, it is commonly done by raising up a few eminent assertors of the cause, whose influence, talents, or example, command the acquiescing concurrence of the multitude; and when they are

\* Burnet's Hist. vol. i. p. 305.

removed, the facility with which a majority pass to the opposite extreme would appear incredible, did not the uniform history of all revolutions so fully attest it. After the removal of the ministers, the people were returning to their parish churches; “and the curates’ auditories,” says a cotemporary presbyterian author, “were reasonable throng, the body of the people, in most places of Scotland, waited upon their preachings.” Had they been content to have allowed the more conscientious to worship apart without disturbance, it is probable they might have succeeded in establishing episcopacy as the national church; but they were determined to force it upon all; and they roused the country, which might otherwise have subsided into indifference, to a state of active opposition, and absolute abhorrence of prelacy; and estranged the men of interest and influence, by the insanity of their procedure, from the government which authorised them. As the influence of the high commission began to wane, the privy council, of which Sharpe was now president, became more relentless and oppressive; and it is a melancholy fact, which forces itself upon our observation at almost every turn in the history of Scotland, that the courts became despotical according as the clergy obtained sway, and cruel in proportion as they were under the direction of those who ought to have been the ministers of mercy. Their acts were enforced with greater rigour.

It had been rendered criminal to attend private prayer meetings with the ousted ministers, or to render them the smallest assistance; and as their support was chiefly derived from the contributions of the people, collections were forbidden, under the severest penalties, yet the proclamations had been evaded or despised, and in the south and the west, Welsh, Semple, and Blackadder, not only kept frequent conventicles, exhorted, baptized, and prayed in private houses, but collected multitudes in the moors and on the hills, and had the audacity to preach the word of God, without the prelates’ license.

These appearances were not only irritating, but alarming. The bishops, conscious that they deserved to be resisted, while they zealously inculcated passive obedience, discovered their fears by their attempts to suppress discussion upon the subject, and to render the people incapable of resisting. A Mr.

Crookshanks had translated into English Buchanan's treatise, *De Jure Regni Apud Scotos*, of which a few copies had been handed about in manuscript; these were ordered by proclamation, to be delivered up to the clerk of council, under pain of sedition. About the same time, an Apologetical Relation of the sufferings of the faithful ministers and professors of the church in Scotland, since the year one thousand six hundred and sixty, said to be written by Mr. Brown of Wamphray, and printed in Holland, a small work, containing a clear, pointed, unanswerable defence of their conduct, was imported and circulated. It had the honour of being condemned to be burnt by the hands of the common hangman, a distinction the writer himself had anticipated; and all who had copies were ordered to give them up to the next magistrates by a certain day, after which, if any of them were found in their possession, a fine of two thousand merks was imposed. It had the usual effect of such proclamations, the book was more extensively circulated, it became known where it never before had been heard of, and acquired a weight in proportion to the severity of its prohibition.\* Warriston's speech also, was declared seditious, forbid to be dispersed, and the printers ordered to be imprisoned. Aware of the importance of securing the attachment of youth to the principles of which, in after life, they were to become the propagators and support, the council endeavoured to gain them over to prelacy, not by appointing able teachers to the universities, the plan pursued by the presbyterians, but by an order, obliging all students, before they obtained their degrees, to subscribe the oaths of allegiance and supremacy; introducing political disabilities to academical honours, and imposing tests upon boys before they could be supposed to understand them, a plan, of which it is difficult to say, whether it be more detrimental to the cause of learning or of morals.

The Scots had always been accustomed to carry arms, and when summoned to the field, brought with them their own accoutrements. The strength of Scotland consisted in its militia peasantry, nor till of late, had mercenary soldiers been ever known in the country: in consequence, there were few

\* Preface to *Apol. Relat.*

families unprovided with weapons. But it is dangerous to exasperate a people who have means of defence. The western counties were therefore disarmed, under the ridiculous pretext, that they would join the Dutch, with whom Charles was now at war, and twenty of the leading gentlemen, without the shadow of a crime, thrown into prison, preparatory to new and more devastating expeditions. The third, under Sir James Turner, in the year one thousand six hundred and sixty-six, continued seven months. On former occasions, there had been some mercy shown, and the gentlemen of the county had been exempted from the brutal insolence of common soldiers; but now the curate, attended by two or three of these executioners of the council, fined all indiscriminately. The landlord, if his wife, servants, or tenants, were absent from the parish church; and the tenant, if the landlord withdrew, although they themselves individually attended; the aged and infirm, the widow and the fatherless, were robbed, and even he that subsisted upon public charity, was forced to beg, to satisfy the demands of the conjoined clerical and military ruffians. If quartered where the host was too poor to pay, and his furniture neither worth selling, nor carrying off, it was rendered useless, or burned on the spot. Besides these fines, the gentlemen were unexpectedly called upon to pay those which Middleton had imposed, and which Lauderdale had obtained a temporary popularity by causing to be suspended; but now, when his own creatures were in power, procured them to be levied to the uttermost farthing, by troopers, who at the same time exacted riding money for their trouble, sometimes to a greater amount than the sums themselves. No excuse was admitted, and if the oppressed complained to the officers, they were ill treated, and if to the government, they were neglected. All the consolation the people had, under such enormous extortions, was, that the money thus raised did not go to enrich those who were the primary causes of the mischief. Middleton's friends were disappointed by his fall, and now it was taken from Lauderdale to pay an additional army, which the fears of the prelates rendered necessary, and which was intrusted to the command of lieutenant-general Sir Thomas Dalziel of Binns, a demi-savage, whose native ferocity had been improved in the Muscovite service, at that time the most

barbarous in Europe,\* and general Drummond, who had also been trained in the same school.

Scattered over the country, and persecuted in every direction, it is astonishing that those, who were thus rendered outlaws, by the crimes of their rulers, did not sooner turn in despair, and wreak their vengeance on their satellites. The rising, however, which derives its name from the place, where it so disastrously terminated, was purely accidental in its commencement. Four countrymen, who had been chased from their homes, and forced to seek refuge among the mosses and mountains of Galloway, returning from their lurking holes to procure some provisions, met on the highway, near the village of Dalry, some soldiers driving before them a few of their neighbours, to compel them to thrash out the corn of a poor old man, who had fled from his home, in order to raise as much money as would pay the church fines.

\* He [Dalziel] was bred up very hardy from his youth, both in diet and cloathing. He never wore boots, nor above one coat, which was close to his body, with close sleeves, like those we call jockey-coats. He never wore a peruke, nor did he shave his beard since the murder of k. Charles I. In my time, his head was bald, which he covered only with a beaver hat, the brim of which was not above three inches broad. His beard was white and bushy, and yet reached down almost to his girdle. He usually went to London once or twice a year, and then only to kiss the king's hand, who had a great esteem for his worth and valour. His unusual dress and figure when he was in London, never failed to draw after him a great crowd of boys and other young people, who constantly attended at his lodgings, and followed him with huzzas as he went to court, or returned from it. As he was a man of humour, he would always thank them for their civilities, when he left them at the door to go into the king, and let them know exactly at what hour he intended to return to his lodgings. When the king walked in the park, attended by some of his courtiers, and Dalziel in company, the same crowds would always be after him, showing their admiration of his beard and dress, so that the king could hardly pass on for the crowd; upon which his majesty bid the devil take Dalziel, for bringing such a rabble of boys together, to have their guts squeezed out, while they gaped at his long beard and antic habit, requesting him, at the same time, (as Dalziel expressed it,) to shave and dress like other christians, to keep the poor bairns out of danger, all this could never prevail on him to part with his beard; but yet in compliance with his majesty, he went once to court in the very height of the fashion; but as soon as the king, and those about him, had laughed sufficiently at the strange figure he made, he re-assumed his usual habit, to the great joy of the boys, who had not discovered him in his court dress." Capt. Creighton's Memoirs.

They sympathised with their fellow-sufferers, and passed on in silence, but when they were seated in the village, they were informed, that the soldiers had seized the poor old man, and were about to strip him, and place him naked on a red hot gridiron, on which they immediately went to the place, and desired the soldiers to desist; this the others contemptuously refused, and high words ensued, the soldiers then drew, and were about to assault the countrymen, when one of the latter, who had a pistol, fired and wounded one of the soldiers, with a piece of a tobacco pipe he had used as a ball, on which the arms were immediately surrendered, and the prisoner set free.

Once engaged, the countrymen, who knew they could only expect from the commander terrible vengeance, determined to prevent it, and being joined by some others, proceeded to where a small party of military were stationed, disarmed them, and their ranks swelling as they went, they marched to Dumfries, in which they surprised, and took Sir James Turner prisoner. So unconcerted, however, and so ill planned were their motions, that when they seized Turner's papers, together with the pay lately remitted from Edinburgh for the troops, and with the proceeds of the fines, recently exacted, they intrusted the charge of the money to a stranger, one Andrew Gray.\* From the general discontent of the country, they had expected a great rising of adherents; but the want of arms and of leading men were severely felt; for during the whole time they remained in Galloway, their numbers never exceeded three hundred, and none of them persons of sufficient rank to command that implicit obedience, so necessary, but so seldom found in a promiscuous assemblage of raw countrymen. When the first news of the commotion reached Edinburgh,

\* Gray is styled by Kirkton, an Edinburgh merchant. In the description of Galloway, by Andrew Symson of Kirkinner, he is stated to have decamped the succeeding night, carrying off all the money and baggage, seized with Sir James Turner, which, however, is not very likely, as he is mentioned in the Life of Mr. William Veitch, as having been supported by him at Newcastle not long after; indeed the cash taken, must have been extremely little, whatever became of it, as Turner had sent off the greater part of his plunder a few days before to Glasgow: another proof, if any were wanted, of the rising being entirely accidental. Memoirs of Veitch, p. 49. Memoirs of Rev. John Blackadder, p. 136, et seq.

Rothes was in London, and Sharp, as president of the council, was thus at the head of the executive. His warlike commands excited dissatisfaction among some of the nobles, who, now sensible of their degradation, while they murmured curses, asked, if there was no one in Scotland to give them orders at such a juncture but a priest? He instantly summoned a council, who sent to London by express the most exaggerated accounts of the affair, while the scale of their preparations proclaimed the extent of their fears. All the noblemen in the south and the west were ordered to hold themselves in readiness to join the royal forces. Dalziel was despatched with his army to establish his headquarters at Glasgow, where the country around was ordered to come in to him, and whence he was to march to wherever the insurrection had attained its greatest height. To secure the metropolis, the guards were doubled, and all the fencible men enrolled. All ferries upon the Forth were stopped, and all the passengers at Stirling bridge closely examined. The earl of Wemyss, lords Newark, Melville, and Burleigh, were, at the same time, summoned, with their friends and followers, horses and arms, to defend the town of Edinburgh.

Meanwhile, the friends of the insurgents at Edinburgh, upon receiving the intelligence, met also to deliberate, and the result was, that it appeared to be their duty to assist their poor brethren, so cruelly oppressed. Colonel James Wallace and Mr. John Welsh, minister, with several others, instantly set off to join them, and found them at a rendezvous, at the bridge of Doon, in Ayrshire; but were sorely disappointed at learning that such men of influence as had not been put in prison had gone to general Dalziel, and that the majority of their friends in that country were averse to the attempt, as ill concerted, ill timed, and not likely to be successful. Colonel Wallace was chosen to command, and the Whigs, for the first time, assumed the shape of an army, by appointing officers and setting guards. Perceiving here, too, that they could expect no assistance, they directed their course towards Clydesdale. Near Cumnock they heard, that a party, on the road to join them, had been dispersed by the duke of Hamilton's troop of horse, and that the enemy was approaching. Upon receiving this in-

telligence, they pushed forward to Muirkirk of Kyle, across a long moor, rendered intolerably deep by the rain, which had descended upon them in torrents during their whole march. Covered with mud, and drenched to the skin, their only quarters for the night was a cold church, nor was a morsel of meat to be procured. Here Mr. Andrew M'Cormock, an eminent Irish presbyterian minister, brought them information that their friends in several places had failed in collecting any reinforcements, and urged upon colonel Wallace the propriety of dismissing the people as quietly as could be done. This the colonel could not of himself undertake; but called a council of war, to whom he proposed the question, whether they should scatter, or continue in arms. On the one side, the strength of the enemy, their own feeble band, which, from the dispirited state of the country, was not likely to be augmented, and the advanced season of the year, were stated as reasons for dispersing. On the other, were pled, their own full persuasion of the justice of their cause, their conscientious sincerity in seeking only the deliverance of their country, from the horrible oppression under which it groaned, by laying their grievances before government, and praying redress; and their firm belief that no representation would be attended to unless from men in arms. The reasons for proceeding prevailed, and they resolved, with a self-devotion, the value of which, in keeping alive the spirit of liberty in the country, it is impossible to estimate, that they would act for the glory of God, and the cause of religion and liberty, and were not unwilling to die as sacrifices for them, yea, they would esteem a testimony for the Lord and their country a sufficient reward for all their labour and loss. In the same council, with a humanity which does them the greatest credit, and appears to greater advantage, when contrasted with the conduct of their persecutors, they rejected a proposal for putting Sir James Turner, still carried prisoner with them, to death, as a murderer. It appearing, that severe as his conduct had been, the instructions he received from the bishops were far more barbarous.

At Lanark, on Sabbath after sermon, they renewed the covenant, and their numbers were estimated at about three thousand, the utmost they ever reached; but they were only

half armed, half officered, and totally undisciplined. The approach of Dalziel next day induced the presbyterians to march eastward, than which they could not have adopted a more fatal determination; but they had been deceived with respect to the number and power of their friends in the Lothians; and they left a district, where, if defeated, their flight would at least have been favoured, for one where all was hostile, and nothing but victory could have preserved them from ruin. By this time Edinburgh was shut against them. The provost, Sir Andrew Ramsay, their active enemy, had planted cannon at the gates, the advocates were in their bandiseirs,\* almost every inhabitant in arms, and the heritors of Merse, Teviotdale, Tweedale, and the forest of Ettrick, were raised as an additional defence. They thus, in retreating from one army, advanced upon another, and both superior in every thing to their own, but in courage and attachment to their cause. They broke up from Lanark, and marched for Bathgate, through rugged and almost impassable moors, during a tempestuous day, which was succeeded by a rainy night. When arrived at that village, wet and weary, having travelled two hours in the dark, they could find no accommodation, and were compelled, by an alarm from the enemy, to recommence their fatiguing journey about midnight. On the morning, their muster at New Bridge, presented the wretched appearance of a faint, hungry, worn-out crowd, rather than the semblance of an army. During this terrible night they lost nearly half their numbers. Here they advanced eastward; but when they halted at Collington, a short distance from Edinburgh, they perceived the fallacy of all their hopes: and upon the arrival of Laurie of Blackwood, and the laird of Barskimming, who brought them Dalziel's promise for a cessation of arms till next morning, they consented to treat, and sent a letter to the general, containing a representation of their grievances, and desiring a pass for one of their number to carry their petition to the council. To this no answer was given; and colonel Wallace, who trusted little to the truce, meditated a retreat by the way of Biggar. From

\* Wooden cases covered with leather; each of them contained a charge of powder for a musket, of which the musketeer generally carried twelve, hanging on a shoulder belt.

Collington, turning the east end of the Pentland hills, they marched to the House of Muir, and thence to a place, named Rullion Green, where they drew up the remains of their body, not now exceeding nine hundred, fatigued, exhausted, starving countrymen.

With no immediate intention of fighting, but merely to review their companies, and prevent straggling, they waited to learn whether any reply was to be returned to their communication: but they were quickly called to make other arrangements. A clear frost had succeeded a severe fall of snow, when some of the scouts, about mid-day, November twenty-eighth, brought intelligence that general Dalziel was coming from Currie through the hills. Colonel Wallace and his party awaited their approach in a line, upon the back of a long hill, running south and north, low toward the south, but higher at the north, where it terminated somewhat abruptly. On the south were stationed a few Galloway gentlemen on horseback, headed by Macellan of Garscob; in the middle, the poor unarmed footmen; and on the right, the greater part of the horse, under major Learmont. The situation was so well chosen that Dalziel lay for a considerable time on the hill opposite viewing it, till, at last, he sent forward a party of about fifty horse to attack them on the lowest extremity of the ascent. Wallace perceiving this, sent out a similar number under captain Arnott, who met them in the hollow, and, after exchanging shots, closed sword in hand, and forced them to return in confusion. Dalziel then ordered a charge upon the horse commanded by Learmont, which was equally well received, and also forced to retire; but advancing himself to a third attack, about sunset, with the whole of his troops, he fell upon the feeble right wing and centre of his opponents, who were almost instantly broken, and could never again rally. The slaughter in the battle was not great, nor in the pursuit, for darkness covered the fugitives; and the horsemen sent to pursue, being chiefly gentlemen, had pity on their countrymen, in whose sufferings and sentiments many of them sympathised: about fifty were killed, and upwards of a hundred and fifty taken prisoners. Dalziel's loss was trifling in killed, but a considerable number were wounded. Some of the neighbouring

rustics, less humane than the soldiers, intercepted and murdered several of the dispersed countrymen ; but traditional stories of the supernatural appearances of heaven's displeasure, which marked the spots where some of these had fallen, long continued to express the popular detestation of the crime.\*

Seldom, in civil commotions, are the sufferings in the field so distressing as the executions which follow, and never were these more revolting and relentless than in the case of the Pentland prisoners. Relieved from his terrors, the primate exacted a cruel revenge. When the prisoners were brought to Edinburgh, they were thrust into Haddo's Hole, to await their destiny : a few of the chief only, who were intended for immediate trial, obtaining the superior accommodations of the tolbooth. As they had surrendered upon promise of quarter, it became a question before the council, whether the public faith should be kept, or whether they should be proceeded against as traitors ? It was in vain contended that the power delegated to the soldier in the field was as full as that to the council at their board ; that the terms granted by the one ought as strictly to be observed as the pardons of the other ; that civilians were decided in their opinions, that quarter to rebels ought to be kept ; that this had been the practice in France, Holland, and in the late civil wars ; and that none would accept quarter were it merely a reservation for a public trial. The quibble, however, of one of the council, that their being pardoned as soldiers did not acquit them as subjects, prevailed, and ten were sent to trial ; among whom were major John Macculloch of Barholm, captain John Arnott, and two young gentlemen, brothers, the Gordons of Knockbreck.†

The pleadings were long and ingenious ; but the court sustained the relevancy of the indictment, and, coinciding in judgment with the council, the prisoners were sentenced to receive the doom of traitors : they all died with constancy, and left behind them an united testimony, which must ever exculpate them from the charge of fanatical rebellion. “ They were condemned,” they said, “ by men as rebels against the king ; but

\* Kirkton, p. 254, et seq. Wodrow, vol. i. Book ii. chap. i. Burnet, vol. i. p. 341, et seq. Lamont's Chronicle, p. 244. Law's Memorials.

† Naphtali, Hind Let Loose.

this was their rejoicing, the testimony of their conscience, that they suffered not as evil-doers." And they justify themselves upon the natural and imperishable rights of liberty of conscience and self-defence; "in opposition to which, the laws for establishing prelacy, and the acts, orders, and proclamations, issued to enforce compliance, being executed against them by military force and violence, they, for their simple forbearance, were fined, imprisoned, exiled, scourged, stigmatized, beaten, bound as beasts, and driven into the mountains for their lives, by which hundreds of families were beggared, and the whole country side laid waste; and all this arbitrarily, not only without law, and without respect to guilt or innocence, but in direct opposition to all conscience, justice, and reason, and without regard had to the penalty specified in their own enactments; and, besides, all remonstrances against grievances, and petitions for redress, however just, being restrained by acts condemning all former remonstrances in similar cases, no remedy was left them but the last." They all rejoiced in a species of prophetical anticipation of deliverance for their country, and their last breathing died away in wishes for the welfare of Scotland. The heads of the sufferers were distributed throughout the country, but their right arms, because they had with uplifted hands renewed the covenant at Lanark, were sent to that town to point to heaven from the top of the prison. The effect produced by the dying declarations of such men, whose undaunted resolution on the scaffold gave them a solemn energy, was powerful; but it was deepened to a degree that was never eradicated by the sufferings of the next who followed.

Nine of the first ten were public characters, or persons known beyond the private circles their virtues adorned; but the persecutors, enraged to find that the concurring of all the prisoners proved clearly that in this tumultuary rising there was no settled plan of rebellion, that it originated solely in oppression, which goads on the wisest to madness, and in a system of mismanagement, which they could not suppose any government in Britain, however debased, would tolerate or excuse, were anxious to extort from some of the leading characters such a confession as would give at least plausibility to the terrific statements they had sent to court in the first

moments of alarm, justify the proceedings they had adopted, and the system of cruelty they intended to pursue.\* The question was therefore introduced, and the *boots*, which for many years had lain unused in Scotland, were again resorted to. This instrument of torture consisted of four pieces of narrow boards nailed together, and hooped with iron, of a competent length; in which, after the accused had his leg enclosed, wedges were driven, and the limb compressed, with the most excruciating pain, till it frequently exhibited appearances too shocking for description.†

Nielson of Corsack and Hugh M'Kail were selected to be interrogated in this manner. Nielson had suffered the utmost extremity of wretchedness, and might be supposed capable of entering into, or devising the most desperate schemes; and from the injuries he had sustained, he had merited the confidence of his associates, and from the respectability of his station, and his high character for piety, it was likely that he was acquainted with all the springs and movements of the insurrection. He had been severely fined and imprisoned; he had been forced to leave his home and wander in the mountains; Sir James Turner had quartered his soldiers upon him, till the stock of his manor was eaten up; his lady and children were then turned naked to the mercy of the elements, his tenants obliged to furnish the military with sheep, lambs, oatmeal, and malt, till they too were ruined, and then every hoof that remained, were collected, driven to Glasgow, and sold; nor was there exhibited against him, one charge to authorise these cruelties, except that he would not conform to episcopacy, and regularly attend the preaching of a curate, contemptible alike for his dissolute habits and mean

\* The guards in Edinburgh, who were not altogether fond of the duty, when ordered upon archbishop Sharpe's house, were very regular in their alarms during the night—every half hour one sentinel would cry aloud so that the bishop might hear him, “stand;” another, “give fire,” till at last he was “soe tormented every hour in the night for want of sleep; that he was constrained goe lodge in the castle.”—Kirkton, p. 55.

† They had been employed in the examination of some of the witnesses, respecting the burning of Frendraught Tower, when lord Aboyne perished. Vide vol. iii. p. 391, where the reader is requested to notice an erratum—for both Gordon's—*read both Gordon's friends.*

abilities; yet when Sir James Turner was taken prisoner, and some of the poor sufferers, justly incensed against him, would have put him to death, Corsack interposed and saved him; and amid the barbarity of the times, it ought not to be forgotten, that Sir James made application, though in vain, for mercy to his preserver. Rothes, who had returned from London, was present at the examination, but all they could draw from him, was, what he had uniformly declared, that the oppression of the country had caused the tumult; a declaration so unsatisfactory, though repeated amid the most agonising shrieks, that the commissioner frequently called for the other touch.\*

Hugh M'Kail, who was similarly tormented, was a young man about 26 years of age, a probationer of the church of Scotland, remarkable for piety, and a warm impressive manner of preaching. He had been only a few days with the insurgents, and had left them previously to the battle of Rullion Green, on account of the weak state of his health. Being unable to give any information of a plot, of which he had never heard, his account of the origin of the rising was the same as Nielson's; and the unfeeling Rothes, enraged and disappointed, ordered his leg to be shattered with eleven strokes of the executioner's mallet, notwithstanding, the meek sufferer solemnly protested before God, that he could say no more, though all the joints of his body were in as great torture as his poor leg. Great but unavailing intercession was made for him, by the marchioness of Douglas, to the archbishop of St. Andrews, and the dutchess of Hamilton, to the earl of Rothes. He was condemned to die, for having been present with the rebels. He heard his sentence with a placid resignation, and in the awful interval, before his execution, was not only composed, but cheerful; and so unaffected, that he could even playfully allude to his own situation. When asked by a friend how he felt his shattered leg, he replied with a smile, "The fear of my neck, makes me forget my leg." On the scaffold, his courage was elevated beyond the common reach of humanity, and the ecstatic expression of his countenance evinced the truth of his assertion, that every step of the ladder was a degree nearer heaven. The sublime enthusiasm with

\* Kirkton, p. 252.

which he bade adieu to all sublunary objects, and anticipated the opening glories of eternity, melted the spectators to tears, and has attracted the admiration of every historian by whom they have been noticed. Having lifted the napkin from before his face, “ This is my comfort,” said he, “ that my soul is to come in Christ’s hands, and he will present it blameless and faultless, and then I shall be ever with the Lord. And now I leave off to speak any more to creatures, and turn my speech to thee, O Lord ! Now I begin my intercourse with God, which shall never be broken off. Farewell, father and mother, friends and relations ; farewell the world and all its delights ! farewell meat and drink ! farewell sun, moon, and stars ; welcome God and Father ! welcome sweet Lord Jesus, the Mediator of the new covenant ! Welcome blessed Spirit of grace, and God of all consolation ; welcome glory, welcome eternal life ! welcome death ! ” Then, after praying a little within himself, he said aloud, “ O Lord, into thy hands I commit my spirit, for thou hast redeemed my soul, Lord God of truth ; ” and while these words quivered on his lips, he was turned over by the executioner. Never was general sympathy more powerfully excited than by the death of this young preacher, nor greater indignation, than when it was afterwards understood, that the king had sent down an order to prevent further executions, which was withheld from the council, by the two archbishops, till after M’Kail, who was particularly obnoxious to Sharpe, had suffered.\*

\* Dr. Cooke thinks Sharpe was innocent of this charge, so generally brought against him ; but Kirkton expressly asserts the fact, p. 255. Hume, vol. vii. p. 444, London edition, 1786, narrates, that M’Kail died under the torture, and quotes Wodrow, vol. i. p. 255, as his authority ; but it is evident he had never looked into Wodrow ; for that author, at the part quoted, supports the statement given in the text. Lord John Russel has fallen into the same blunder in the life of his patriotic ancestor, vol. i. That there had been a plot of some kind in Scotland in the beginning of the year 1666, seems sufficiently plain by the document subjoined, but by whom, or to what extent, is doubtful ; this only is certain, that it had no connexion with the rising in Galloway, and no person seems ever to have been examined or brought to any trial on account of it, for the west country was disarmed in 1665, and the principal gentlemen imprisoned in September of that year could have no connexion with the proceedings in Holland which refer to it.—Extract from the Register of the Secret Resolutions of the States General, dated July 15, 1666.  
‘It was notified in the assembly, that overtures had been made by certain

Besides those who were executed in Edinburgh, Rothes accompanied a judiciary commission to the west country, by whom numbers were hanged at Glasgow, Ayr, and Irvine, and several at the doors of their own habitation; but so general was the

friends of religion in the dominions of the king of Great Britain, who had resolved without delay to seize upon the first good opportunity for vindicating from constraint and oppression the reformed worship of God, to take arms, and do their utmost, and get possession of some one or more towns or fortresses, lying in the foresaid king of Great Britain's dominions. Their high mightinesses therefore feel themselves here called upon to give assurance, that how soon soever they shall be masters of one or more such towns or forts, assistance shall be promptly sent to them, and arms and munition of war expedite to such town.' Among the articles to be sent were the following:—for the foot, 5000 muskets; 1000 match-locks; 1,500 pikes, with side arms, for the musketeers and pikemen; and 10 brass field-pieces; for the cavalry, 2000 brace of pistols, all with snap-locks, and 1000 horsemen's carabines. Besides the supplies in arms and ammunition, a subsidy of 150,000 *gulden* was promised.—Memoirs of Veitch, &c. p. 378. In a manuscript in the Advocates' Library the circumstance is thus noticed: "there was indeed a plot to have surrendered the castles of Edinburgh, Stirling, and Dumbarton, in July that year, and the chief contrivers failing, nothing was done." The plot, however, for which Nielson and M'Kail were tortured, was one of the government's own exciting, as narrated in the text. The following particulars respecting M'Kail are from the same MS., and contain one striking feature of the times not generally known: "Upon the Thursday thereafter the bishop went to St. Andrews, and Mr. Matthew [M'Kail, afterwards Doctor of Medicine in Edinburgh], followed him on Friday, but reached only to the Weims that night. After dinner he arrived at the bishop's house, on Saturday, and the servant told him that the barber was trimming him, and when he had done Mr. Matthew would get access. In the meantime, while he was walking in the outer room, the bishop's son (about 12 years old) came and inquired of Mr. Matthew if he came from Edinburgh, to which it was answered, yes: then he inquired for the news there; and Mr. Matthew answered there was none, but that other four of the west country men were hanged yesterday. Then the youth said, 'no more! it will be long before they hang them all,' and thus verified the old proverb, 'as the old cock crows, the young cock learns.' When Mr. Matthew got access, he delivered to the bishop one letter from the marchioness dowager of Douglas, in favour of Mr. Hew, whose brother, Mr. Matthew, was governor to her son, lord James Douglas, and another from the bishop's brother Sir William Sharpe his lady: and when he had read them, he said, 'the business is now in the justiciaries' hands, and I can do nothing, but, however, I shall have answers ready against the next morning;' at which time when Mr. Matthew came, the bishop called his family together, prayed, and desired Mr. Matthew to come and dine with him, and then he would give the answer; then he went to the church, did preach and inveigh much

feeling in their favour, that the common executioners refused to put the sentence of the court in execution; and so strong were the sensations excited, by the solemn declarations of the martyrs, that recourse was had to the execrable expedient of drowning, by the noise of drums, the last words of the dying men.

Military execution, followed the more tardy method of judicial punishment. Dalziel and Drummond were sent westward, to improve the victory and exterminate the whigs, and their barbarities reflect equal disgrace on the party who authorised, and the myrmidons who inflicted them. The soldiers

against the covenant. Immediately after dinner he gave the answers to the letters; and Mr. Matthew said, he hoped that his travelling that day about so serious a business would give no offence; to which the bishop answered, that it would give no offence. Then Mr. Matthew went to inquire for his horse, but the stabler's family were all gone to the church, so that he could not travel till Monday morning early; and when he came to Buckhaven, the wind being easterly, the fish-boats were coming into the harbour, and he hired one of them immediately, and arrived at Leith in the evening, having sent his horse to Bruntisland. He went immediately to the archbishop (Burnet) of Glasgow, and delivered a letter to him, who did read it, and then said that the business was now in the justiciaries' hands. The next day, being Tuesday, Mr. Hew was arraigned before the Justice Court, which sentenced him to be hanged at the Cross of Edinburgh on Friday next; and the night before Mr. Matthew went to the executioner's, John Dunmore's house, and did drink with him, and gave him six dollars, desiring him not to meddle with Mr. Hew's clothes; and the next day the executioner did nothing but put the rope about his neck, and a napkin about his face, and turned him off the ladder, and Mr. Matthew received him, and drew down his feet. When he was cut down he was laid into his coffin, which Mr. Matthew had provided, and was carried to Magdaline's chapel; and when his grave clothes were put on, he was carried to the Grey Friars' church-yard, and was interred near the east dyke, a little above the stair at the entry, being convoyed by a great company of honest men. It will not be amiss to insert here, that immediately after the execution of the forementioned four men, there came a letter from the king discharging the executing of moe. But the bishop of St. Andrews kept it up till Mr. Hew was executed, and then no moe were pannelled for that business. The night before his execution, the said Mr. Matthew did lie with Mr. Hew, who did sleep, as before related in the print, which the said Mr. Matthew knew, having slept very little that night, because of a pain in his head, wherewith he was frequently troubled. And because *no friend durst put on mourning*, the said Mr. Matthew did wear his black hair stuff coat, wherein he was hanged, and that as long as it lasted."—Ib. p. 56, et seq.

were indulged in the most unbridled licentiousness; wherever they went they took free quarters, and with more insult and rapacity than if they had been in an enemy's country. On the highways and in the fields, rapes, robbery, and murder, were committed with impunity; complaint only occasioned aggravated suffering; suspicion was reckoned evidence; nor was any proof of innocence allowed, or any mitigating circumstance attended to, except money was produced. The examinations were conducted in private, and torture inflicted, by the sole authority of the commanding officer. For some time Dalziel fixed his headquarters at Kilmarnock, where he thrust into a low, damp, confined dungeon, known by the name of the Thieves' Hole, so many prisoners, that they were unable to sit or lie, night or day; nor were they even allowed the most necessary accommodation to preserve cleanliness: and when one, who was dangerously ill, had been let out upon bail, the unfortunate man dying, his relations were forced to bring the dead body to the prison door, where it was brutally exposed for a considerable time, before it was allowed to be buried.

With these ruffians, filial piety and conjugal affection were crimes. In a fit of intoxication, Dalziel ordered a son to be hung, because he would not discover where his father was concealed. Sir William Bannatyne, who rivalled him in Galloway, caused a woman to be tortured to death, by burning matches applied to various parts of her body, for a supposed accession to her husband's escape. Whoever was guilty of being absent from church, was immediately visited by some of these worthy apostles of episcopacy, in sufficient number to ruin them by spoliation, or by "eating them up," as it was termed, in a night, till the people, terrified at the unprecedented outrages, from which there was no relief, either fled to the caves or pits, or were constrained to assume a hollow uniformity. The clergy exulted in the apparent return of the congregations to their duty; and to confirm them, encouraged the soldiery in all their excesses, in whose revels, they were, says an episcopal writer, rather leaders, than checks, imagining they had extinguished the zeal of the presbyterians, when they had produced a temporary stupefaction: nor was it one of the least strange among the many untoward circumstances attending all the attempts to

enforce episcopacy in Scotland, that uniformly, the most abandoned characters were its greatest supporters, and those who evinced correctness of conduct, and a regard for domestic religion, were as certainly found its opposers.\*

A winter of persecution, the severest that Scotland had yet known, had forced many of the opulent whigs to withdraw from the storm; and as it was a maxim in Scottish law, that no person could be tried in absence, the estates of these gentlemen could not be legally confiscated.† A query was therefore proposed to the court of session, whether or not a person guilty of high treason, might not be pursued before the court of justiciary, although absent, and whether the justices, upon sufficient evidence being adduced, might not pronounce sentence of death and forfeiture? The obsequious lords, who had been previously tampered with, pronounced in the affirmative, in the face of a direct statute; because, as was alleged, it was inconsistent with law, reason, and equity, that a person guilty of treason should be in a better, and his majesty in a worse case, on account of the traitor's contumacy, which constituted in fact an aggravation of his crime. A trial for treason, said they, may take place, and sentence follow after the party be dead, much more then ought it when he is wilfully absent: parliament, in their judicial capacity, are accustomed to pronounce forfeiture in absence, and the legislature being the fountain of justice, what is just and warrantable before them, is just and warrantable before other judicatories in the like manner;—therefore, it were most unjust, that his majesty should be forced to call a parliament, for punishing and forfeiting absent persons, or that he should wait until they die, especially, as in the interim the proof might perish by the death of the witnesses. So feeble are the restraints of law, however positive the enactment, in the hands of a venal or corrupt bench. The justiciary accordingly

\* Burnet, vol. i. p. 549. Wodrow, vol. i. p. 264. et seq. Kirkton, p. 258. Naphtali.

† In cases of treason, it was expressly enacted, "That in all times cumming, the haill accusation, reasoning, writtes, witnesses, and uther probation and instruction quwhatsumever, of the crime, sall be alledged, reasoned, and deduced to the assise, in presence of the party accused, in face of judgment, and na otherwise." 11 Parl. James VI. cap. 91.

met, and twenty-two of the absentees, accused of being connected with the rising at Pentland, were tried, condemned to be executed, whenever they should be apprehended, and their estates were shared among the officers of the army, and the officers of state. The proceedings of the court were declared valid in the next parliament, by an act, which enlarged their powers, and approved of the precedent.

Dissensions, and a struggle for power among the Scottish statesmen, and the fall of lord Clarendon, their inveterate opponent, procured for the presbyterians some remission of their calamities during this year [1667]. The admission of the military commanders into the council, and the ambition of the prelates, had raised a party superior to Lauderdale's, who were envious of his interest with the king, and his influence in Scottish affairs, as they suspected his attachment to his old principles, and dreaded his imperious, ungovernable spirit. Their object was to subject the whole of Scotland to their faction, usurp every office of consequence, and prevent any other, except their own retainers, from sharing in the spoil of their devoted country. But Lauderdale was too acute a politician to be easily circumvented, and the personal favour of the king more than compensated for the majority against him at the council board. Rothes, whose private dissipation and public indolence,—which, he said, fitted him more than any nobleman in Scotland for being his majesty's true representative,—rendered him a mere tool in the hands of the bishops, and laid him open to the arts of his opponents, was already marked out for dismissal, as commissioner, when this event was hastened by an attempt of his party to secure their seats. They proposed to continue the standing army, and to enforce rigorously the declaration, under the penalty of forfeiture, on purpose to enrich themselves and reward their satellites. Without the most distant idea of refusal, they had written to the king for his approbation, and had already obtained from a convention of estates [which met, January twenty-third,] a subsidy of sixty-four thousand pounds per month for maintaining the forces; and Burnet, archbishop of Glasgow, with general Drummond, were sent to London, to press upon Charles the necessity of adopting the proposed measures for suppressing the rebellious

disposition of the people, and rooting out their pernicious principles. A jest is said to have spoiled their errand. The king, when he received the despatches, flung the cover in the grate, which, being carried up burning, set the chimney on fire; and some of the courtiers having remarked, “that the Scottish letter had fired Whitehall,” it was replied, “the cover only had almost set the palace on fire; but the contents would certainly set all Scotland in a flame.”\* The decided opposition of Lauderdale, however, sufficiently accounts for the failure. He perceived that the whole project went to enrich his enemies, and he prevailed upon the king to write, indeed, a letter for pressing the declaration, and incarcerating the recusants, but said not a word about the confiscation of their estates.

The disgrace that had attended the Dutch war, and the dissatisfaction it universally produced, hastened the fall of Clarendon—a statesman who has been praised only because the infamous profligacy, and total disregard, not only of every principle, but of every appearance of honour, or integrity, in those who succeeded him, rendered his more sober manners, and his less absolute prostration to his master’s pleasure, wear somewhat of the semblance of virtue. In Scottish history he is only known as an abettor of the worst measures, and a prime cause of all the miseries which sprung from the unlimited restoration of the Stuarts; in him the Scottish prelates lost a firm supporter, and his declining credit was speedily marked by an order for Sharpe to remove from the council, and reside within his own diocese. Rothes followed: a pretext was found for his dismissal from active employment, on a charge of his being absent from his post in the hour of danger. Irritated at the number of prizes taken by the Scottish letters of marque, a Dutch squadron had entered the Firth of Forth, where there were neither preparations for resistance or defence, while the army was in the west, and the commissioner at a distance: but although intending a display of their power to revenge, either through ignorance or compassion, their commander fired only a few shots at Burntisland, and then proceeded to join De Ruyter, and destroy the shipping in the Thames: yet Leith had been at his mercy,

\* Burnet, vol. i. p. 354.

and had not some other cause than the activity of Rothes intervened, the damage might have been immense. He was continued chancellor for life, but stript of all his other offices. Sir Robert Murray, distinguished for his literature, and his attachment to science, not less than for his moderation of temper, was appointed to the important station of lord justice-clerk—an office peculiarly trying to the uprightness of a judge in times of political commotion; and the friends of Lauderdale regaining their preponderance, a milder method of procedure was adopted in the government, although no relaxation took place in the despotical principles upon which it was conducted. The treasury was also put under the management of Sir Robert, in conjunction with two other commissioners—Tweedale, (whose son, lord Yester, was married to Lauderdale's only daughter, and presumptive heiress,) and lord Kincardine, who now assumed the direction of affairs; and, upon the conclusion of the Dutch war, the western army, that horrible instrument of so much cruelty, was ordered to be reduced, greatly to the dissatisfaction of the prelates\* and the episcopalian gentry, many of whom had purchased commissions, and considered a captaincy equivalent to an estate.†

When the army was disbanded, and the military force withdrawn from the west, it then became a question, how was the peace of the country to be secured, as it was not intended to remove the true origin of all the discontent? and it therefore remained to be considered, which was the least objectionable method of coercion—a wretched dilemma to which bad governments are often liable to be reduced. Upon this the council was divided: the one party, who wished to continue the system of persecution and plunder, were for pressing the declaration [vide p. 496] upon all suspected persons, in the hope of advantage from the discontent it would produce; the other was merely for a bond or civil engagement to keep the peace, to be subscribed by all to whom it should be tendered; but it was not without difficulty, and after the council had three times divided upon it, that the latter expedient was carried. The

\* Burnet, archbishop of Glasgow, said, “Now that the army was disbanded, the gospel would go out of his diocese!” Wodrow, vol. i. p. 275.

† Lamont's Diary, 1667. Wodrow, vol. i. p. 275. Kirkton, pp. 261-3.

bond itself was short, but ambiguous and comprehensive, requiring the subscriber to keep the public peace, himself, his tenants, and servants, under the penalty of a year's income for himself, a year's rent for his tenant, and a year's fee for his servants. All confidence in the government being destroyed, every act and obligation issued by them was scrutinised keenly by a people who had been so often deceived; and the meaning of the term, “public peace,” became an object of warm discussion, and conscientious scruple, whether it implied an obligation to preserve the present laws upon which that peace is founded, and thus contain an approval of the iniquitous enactments which had overturned the constitution, liberty, and religion, of the country? or, whether it merely obliged them to lead quiet and peaceable lives in the discharge of their relative duties? Whether keeping the public peace forbade rising in arms against tyrants, or enforced passive obedience? but as the privy council did not provoke discussion by pressing even the bond very harshly, the debate died away, and, an indemnity being proclaimed at the same time, the country remained tranquil.

These comparatively mild proceedings afforded a breathing time to the people; and they began to hope they might again be placed within the protection of the law, especially when the council instituted an inquiry into the conduct of some of their oppressors. But they soon perceived that this was dictated by party politics, rather than by any love to justice. The most barbarous and atrocious delinquents, Dalziel and Drummond, were rewarded with large estates, while Sir James Turner and Sir William Bellenden were brought to trial. Extortion and cruelty were clearly proved against Sir James; but he defended himself by pleading his commission; and the defence appears to have been partially sustained, as he was only desired to leave the service. The charges against the other were more aggravated and brutal: he was fined two hundred pounds sterling, and banished the kingdom.\* Arbitrary punishments, too, continued to be inflicted upon those who met peaceably in conventicles, and the jails were summarily cleared, by deportation,

\* Kirkton, p. 270, et seq. Wodrow, vol. i. p. 287.

of all who, being incarcerated previously, refused to accept unhesitatingly of the bond. Clarendon's exile had disgusted the high church party in England, and Charles now thought it advisable to court the nonconformists; with his usual sincerity he told some of their most eminent men, "that he had been too long the king of a party, he was now determined to be the father of all his subjects;" and several dissenting meeting-houses had been connived at in London. From these circumstances, the Scottish sufferers flattered themselves that better days were beginning to dawn, and were confirmed in the belief, when Tweedale sent for some of the presbyterian ministers, who were under hiding, and, in a conversation, expressed his hopes of being able to procure for them favour and indulgence. But an unhappy accident checked, probably, rather sooner than the others wished, a delusion the king never intended to realise. James Mitchell, a preacher who had been in arms at Pentland, who had seen his companions and friends bear witness on the field and on the scaffold, to what he considered the cause of God and his country, who was himself exempted from pardon by name, believing that Sharpe, whose apostasy had betrayed the church, was the chief, if not the sole cause of the sufferings he had witnessed, and of himself being at that moment a denounced, hopeless outcast, determined to avenge his own wrongs, and those of the public, on the head of the traitor. Situated as he was, liable to execution upon being apprehended, it required little reasoning to convince him that he was placed in that state of open hostility which rendered it justifiable in him to single out and destroy an avowed enemy, who had devoted him to destruction. He, therefore, with the greatest coolness and deliberation, one day after dinner [the 4th of July], waited with a loaded pistol for the archbishop's coming down from his lodgings, head of Black Friars' Wynd, to take his coach: as soon as he was seated, Mitchell fired; but Honeyman, bishop of Orkney, who was in the act of ascending, received the bullets in his arm, and the primate escaped. A shout was raised that a man was killed; but when the populace understood "that it was only a bishop," no one interfered: and Mitchell, retiring through one lane into another, shifted his dress, and returned almost immediately to the

street; nor was he discovered till many years after. Instant and vigorous inquiry was, however, made: the council emitted a proclamation, offering two thousand merks to any person that should discover, and three thousand to any that should apprehend the assassin; and the magistrates of Edinburgh ordered the gates to be shut, and no suspicious person allowed to pass, while the constables searched every house where they imagined he might be secreted.

The town was full of whigs, yet none were apprehended, although some of them had narrow and remarkable escapes: one, in particular, deserves to be recorded. Maxwell of Monerief, one of the most considerable landed gentlemen of the party who was excepted from the indemnity, being unacquainted in the city, when the search began, came in great trepidation to his landlord, Nicol Moffat, stabler, in the Horse Wynd, and begged that he would hide him, for he had no shelter; Nicol replied sorrowfully, that his house was the most unsafe place in Edinburgh, there was not a hole in it where he could be secure; but, pointing to an empty hogshead, used for holding oatmeal, that stood at the head of a table in a public room, told him, if he chose to venture himself there, he would put on the cover. Mr. Maxwell, who had no other resource, complied; and scarcely was he lodged, when a constable, with some soldiers, entered, and asked Moffat if there were any whigs about him? he answered, they might search. His careless manner deceived the constable, and his men being tired and thirsty, they sat down at the table, and called for some ale. While drinking, they began to talk of the unsuccessfulness of their search; and one of them remarked, he knew there were many whigs in the town, and probably some of them very near them; to which another, knocking violently on the head of the hogshead which contained Mr. Maxwell, replied with an oath, “it may be there is one under that:” the reply was received as an excellent joke, and the party retired without farther examination, when the prisoner was set free, after tasting almost the bitterness of death.\*

A general outcry was raised against the fanatics, as the pres-

\* Kirkton, p. 279. Wodrow, vol. i. p. 292. Burnet, vol. i. p. 372.

byterians were now called. The council assumed the power of inflicting fines by proclamation, against all who should attend conventicles, or should get their children baptized by any of the ousted ministers; and while the government were speaking about peace, they continued, only not to the extent, their arbitrary, illegal, and oppressive acts: but the voice of the country was decidedly against the intrusive clergy, and even those who wished to support episcopacy, could not defend either the morals or the abilities of the curates. A number of the churches were without ministers, while multitudes of the most revered presbyterian preachers, were prevented from officiating, and the bishops inveighed bitterly against the increase of conventicles.

Tweedale wished to adopt a temporising policy, and, by an insidious proposal of indulgence, hoped to induce the most popular of the ousted ministers to sanction, by their compliance, the introduction of bishops, upon terms nearly similar to what had been done before the year one thousand six hundred and thirty-eight. He procured a letter from Charles, authorising the council to permit such of the ministers as had been ejected by the act of council at Glasgow, sixteen hundred and sixty-two, to return to their old charges, if vacant, or to appoint them to others, with collocation of the bishops, and consent of the patrons, requiring them to attend their respective presbyteries and synods. But they were required not to allow any of the people from neighbouring parishes to sit under their ministry, or partake of the ordinances, without the liberty of their own pastors; and to those who were not thus provided for, a pension of four hundred merks, as long as they conducted themselves peaceably. This indulgence was accepted of with hesitation, and in their acknowledgments, the ministers mingled expressions of explanation, along with those of gratitude; yet the whole named by the council were willing to accept, and with the consent of their brethren, the people, who had been so long deprived of their labours, were also willing to obey, and at first, the measure apparently promised all the success its projectors could have desired. About forty-three ministers were inducted.

It soon, however, began to appear that it would please no

party. The bishops took an alarm, at the extent to which it promised to re-admit the presbyterian ministers to parish churches; and they, on the other hand, began to split in opinion about it themselves; those who complied, justified their conduct by the exigence of the case, the explanations they gave, the consent of the people, and their own hopes of its being opening a door to greater liberty for the presbyterians. The others contended, that it was acknowledging the king's supremacy, allowing an erastian power to the council, pregnant with ruin to the presbyterians, by destroying their harmony, and, that license to a few would be accompanied with greater severity to the rest of the presbyterian ministers who were not indulged, and greater persecution to the people who resided in parishes where curates were placed. These dissensions were heightened, by the council, in about half a year after, refusing to grant any more indulgencies, their interference with the ministry, and worship of the indulged, and the harsh and cruel methods adopted with regard to the others, which justified all the suspicions of those who had objected to the measure.

While these distractions were going forward in the church, proposals for a union between the two kingdoms, was revived. The pretext was, that it would be impossible otherwise to procure for the Scots a share in the advantages of the English commerce, as none, except those of the latter nation, or naturalised, could be allowed to trade to the plantations. But the general opinion of the time, and what carried with it the greatest probability, was, that Lauderdale, desirous of procuring for himself the office of commissioner, had revived the idea, knowing it to be an object not likely of easy attainment, and that, while the protracted negotiations were pending, his own place would be secure; for it was not supposable, that so ambitious a man would sincerely urge what must have tended greatly to lessen his own power, by introducing English counsellors into a share of the government of Scotland, where he had been in use to rule with almost despotical sway. It was at the same time believed by others, that the king willingly indulged the scheme. The commons house in the English parliament was far from being so tractable as he wished; and it was imagined, if he could introduce Scottish members, whom he would always have at his beck, he might be able to command

a majority sufficiently subservient; yet it is difficult to imagine, what advantages he could promise, from the annihilation of the parliament of his ancient kingdom, so entirely devoted to his will, unless he could have remodelled the English parliament upon a similar plan, and by uniting the two houses, have secured the constant preponderance of a servile aristocracy, for which the English nation were certainly not yet quite prepared. Lauderdale was named commissioner, and besides the acts of intimidation, used to influence the elections, immediately after the proclamation of parliament, precepts were issued upon the exchequer, for considerable sums of money, in favour of several noblemen, which spread a general report, that they had sold their country, and the aversion of the people was increased by the means supposed to have been taken to promote the project. The mean adulation of the nobility was expressed by the number of titled expectants, who, afraid of having their prostration overlooked, in a crowd advanced considerably into England, to meet his grace. He was received on the borders by the militia of the Merse, and by those of each of the respective shires as he passed. At his entry to Edinburgh, he was saluted by the magistrates in their robes, and the only difference between his and a royal reception was, that the lord provost did not carry the mace before him on his own shoulders.

After a lapse of eight years, parliament assembled, [October 16th, 1669,] when another grievance was introduced into its constitution, so naturally progressive is despotical innovation. Formerly, any member had access to the meetings of the lords of the articles; at this, none were suffered to be present except the members of that committee. The order of sitting, too, was altered, the whole of the spiritual lords were placed together on the right hand of the throne, instead of being, as formerly, intermingled with the temporal peers. The king's letter, recommending an union, was produced; and, in answer, the parliament referred to his majesty the nomination of the commissioners, and the time and place of their meeting. Sir George Mackenzie required time to deliberate, and, being seconded by Sir George Gordon of Haddo, the commissioner imperiously silenced the latter as he was stating the supposable case of a divided succession; and the former, after-

wards, having made a modest, and not inelegant harangue on the propriety of parliament themselves nominating their commissioners. He was also interrupted by the earl of Tweedale, who remarked that such long speeches were intolerable, especially when they were intended to persuade the parliament not to comply with his majesty's desires. The letter was without further dispute approved of, and the complaisant legislators proceeded to assert his majesty's supremacy in all cases ecclesiastical, and over all persons, and to declare that the disposal of the external government and policy of the church belonged, as an inherent right, to the crown; and whatever orders royal wisdom should think fit to issue respecting the persons employed, the meetings to be held, or the matters to be discussed in ecclesiastical assemblies, on being recorded in the books of council, should receive the force of a law. This act, which went beyond the English, placed in the king's hands the whole power of altering and abrogating at his pleasure the religion of the country. Lauderdale asserted it was intended to free the nobility from the tyranny of the prelates, and flattered the presbyterians, that they would be safer and better treated than when at the bishops' discretion; but they disclaimed subjugation to a royal, more than to a Roman pope; and when the duke of York's religion came to be publicly avowed, the act was attributed to Lauderdale's wish to ingratiate himself with the heir apparent, while it afforded Tweedale an opportunity of wreaking his vengeance on Burnet, archbishop of Glasgow, with whom he was personally displeased. This prelate, who defended the royal prerogative to its utmost extent, when exerted in favour of his own party, was not quite so clear about its latitude when exercised in what he thought inimical to that interest. At a diocesan meeting, he caused to be written, a remonstrance against the indulgence, which contained some rather severe reflections on the business; although not published, a copy was surreptitiously sent to the king, who declared it as bad as James Guthrie's; and soon after the act had passed, sent down a letter to the archbishop, requiring him to resign, with which he found it expedient to comply.

The offer of the late parliament, with regard to the militia, had been already acted upon by the council, and a standing force organized, not to defend, but to subdue the liberties of the country: in former times, every fencible man was required to be armed; now, only a select number were to be regularly officered and trained, under the direction of the council, and be ready to march wherever the king pleased to signify his intention. When the act approving of the conduct of the council passed through parliament, the only objection which was started to it was by a lawyer, and extremely characteristic: in the original draft, defaulters were ordered to be quartered upon, a mode of punishment agreeable to the habits of the soldiery, accustomed during late years to military license; instead of which, Sir Peter Wedderburn proposed “poinding,” which was adopted. It has been remarked of the English house of commons, that at a time when they were apparently careless about the encroachments of the crown in other respects, they always discovered a laudable anxiety about any attempts to touch the public purse: the Scots discovered something of the same disposition in the present parliament, but it was rather the disposition of hawkers; each anxious to retain his own small profits, though at the expense of his neighbour, than that of representatives, who, by uniting for the general good, ensure their individual interest, in providing for the security of the whole. Those who were interested in breeding cattle, voted with the commissioner in his attacks upon the fisheries, in hopes to obtain his favour for themselves, and those connected with the fisheries, acted upon the same principle with regard to the graziers; and thus both were separately and deservedly spoiled. In the year one thousand six hundred and sixty-one, an act had passed for the encouragement of the fishing, by which all foreign salt used for curing was exempted from duty; but the earl of Kincardine and other salt-masters brought in a bill, ordaining foreign salt, however employed, to pay a duty of forty shillings Scottish per boll, and allowing a drawback on fish exported. This, in the then state of the country, was nearly a prohibition to all except capitalists adventuring in the trade, and was

besides, extremely vexatious; the commissioners for the burghs, accordingly, strenuously opposed it; till at last the commissioner, fearing the issue, rose in a passion, and swore, that though the parliament stopped the act, they should gain nothing by it, for he would, by virtue of his majesty's prerogative, pepper the fishing with impositions. Such was the nature of a Scottish parliament at that time, that this elegant harangue produced a long and a deep silence, which was at last interrupted by a humble proposal, that the parliament might be permitted to vote, in order that it might appear what was the opinion of his majesty's great council, and, if afterwards his majesty should think fit to burden trade, his subjects would submit to all his royal commands! With this dutiful request his grace thought fit to comply, and the votes were declared equal, when the chancellor was required to give his casting vote. The earl of Kinghorn then declared the votes were not equal, but that the act was rejected by a majority of several. On which, the commissioner interposed, and told his lordship, that he might pursue the clerk for falsehood, but that there was *jus acquisitum*, to the king by the vote already past. Kinghorn, who knew the peril of farther resistance, urged no more, and the clerk again declaring the votes equal, the chancellor approved the act. The Isles of Orkney and Zetland were, during this parliament, annexed to the crown, and the donative to the earl of Argyle of his father's forfeiture was ratified. On the twenty-third, the parliament was unceremoniously adjourned by the commissioner, who, instead of a formal speech, as was usual on such occasions, tauntingly bade the honours be carried back to the castle, and desired that the wives of Edinburgh might take notice, he had not sold the crown to the "Englishes," as was reported.\*

Before Lauderdale set out for London, he liberated several of the west country gentlemen who had been imprisoned, and selected Leighton to officiate as archbishop of Glasgow. In his conduct, he still affected some moderation towards his

\* Scottish Acts, vol. vii. M'Kenzie, p. 157, et seq. Kirkton, p. 291, et seq. Wodrow, vol. i. p. 307, et seq.

former presbyterian friends, but he openly, and with many professions of sincerity, declared his attachment to the hierarchy, and his regard for the bishops; his outrageous behaviour, however, in parliament, and his contempt of decency in his private conversation, greatly diminished that respect with which he was formerly regarded. In the early period of his life, he had been strictly religious in his deportment; and during his long confinement in the tower, had addicted himself closely to the study of devotion; on his release, however, he fell in with the current of the times, and varied his ambitious pursuits by extravagant revels and low buffoonery;\* but the entire revolution which his character underwent about this time, has generally been attributed to the influence of lady Dysart, whom he afterwards married, a woman, whose beauty and wit were equalled by her extravagance and rapacity, and to whose passion or caprice he was entirely subservient.†

During the absence of the commissioner, the council issued a severe proclamation against conventicles, instructing the soldiers to disperse the congregations, and apprehend the ministers and principal persons present; a committee was sent to the west country, to inquire into the complaints of the incumbents, who represented their lives and property as in danger from the fanatics, and their congregations as drawn away from them by the perverse conduct of the indulged, who, although licensed only to preach, had the presumption to lecture, that is, explain connected portions of scripture, instead of descanting upon an insulated text. The proceedings of the committee were moderate, but the interpositions of the military were severe; and in order to avoid danger, those who wished to hear sermon, or join in the

\* " Lauderdale was a wit and a courtier—he had suffered much for the king, and was his privado in his secret pleasures, in which office, to keep himself in favour, he acted a most dishonourable part; for, after the king's fleet was burned at Chatham, and the Dutch retired, he came to the king's privy chamber, and danced in a woman's petticoat, to dispel the king's melancholy."—" He choosed for his patron, neither statesman nor prince, Barbara Villiers, first Mrs. Palmer, then Dutchesse of Cleveland," &c. Kirkton, p. 158.

† Burnet, vol. i. p. 360.

worship of God according to the dictates of their conscience, were forced to hold their meetings in the fields, whence they could more easily disperse; and, as upon almost every other occasion of assembling in Scotland, many of the persons who attended brought the arms they usually wore. Three of these field conventicles were remarkable for the crowds they attracted: one at Carnwath, in the county of Lanark;—another at Torwood, in Stirlingshire;—and the largest at Beath, held in Fife. On this last occasion, a lieutenant of the militia, on horseback, created great disturbance; after having been repeatedly requested to withdraw quietly, one of the hearers took hold of the bridle of his horse, and threatened to shoot him, if he were not silent; on which he waited peaceably till the end of the service, and then retired without molestation; but the incident was aggravated into a concerted plan of rebellion, and by the bishops attributed entirely to the insolence of the presbyterians, who presumed upon the friendship of Lauderdale and Tweedale.\*

Among all the counsellors of Charles, there was not one who forwarded so strongly his views of absolute power as the Scottish lord high commissioner. He was graciously received at court, as having triumphed over what little remained of the liberties of his country; and admitted a member of that infamous secret club, known by the name of the *Cabal*,† which was plotting the overthrow of those of England: it is probable that he knew the secret of the king's attachment to the popish religion, although it does not appear that his majesty intrusted to any of these, his worthies, the true nature of his connexion with France, excepting as to the fact of his being a stipendiary of Louis.

The English parliament, which met shortly after his arrival, agreed to a resolution for leaving the nomination of commissioners to treat about a union of the kingdoms to the king; but in their dread of popery, and zeal for their own hierarchy, set

\* M'Kenzie, p. 188. Wodrow, vol. i. p. 317, et seq.

† The cabal consisted of Clifford, Arlington, Buckingham, Ashly, and Lauderdale. The initials of whose names formed the word.

an example, in their conventicle act, which the commissioner terribly improved upon. The Scottish estates met, according to adjournment, July twenty-eighth, one thousand six hundred and seventy, when the preliminary appointments for discussing an union were easily adjusted. The acts which followed, it is difficult, indeed, to characterise in terms too severe. That against conventicles prohibited house conventicles, under the penalty of ruinous fines, both to the ministers and hearers; husbands were rendered liable for their wives, parents for their children, and masters for their servants, and the burghs for every such meeting held within their bounds. Field conventicles subjected the ministers to death and confiscation, the hearers to double fines and arbitrary punishments; and that was declared to be a field conventicle where two or three assembled at the door or window of a house, within which divine service might be performing by any other than a bishop's licentiate. Every person, of whatever rank, sex, or quality, who should refuse, when called upon, to give information respecting the persons that attended conventicles, or decline to denounce their nearest relatives or friends, or who should hold intercourse with such as should be declared rebels or fugitives, were punishable by imprisonment, fine, or banishment as slaves to the plantations !\*

\* It would be hardly credible, were it not upon record, that the crimes so severely denounced were not, at least, prejudicial to the community; the reader will mark what they are. " His majesty, with advice and consent of his estates of parliament, statute and command that no outed ministers, or other persons not authorised or tolerated by the bishop of the diocese, presume to preach, expound the scriptures, or pray in any meeting, except in their own house, or to those of their own family."—" And all who shall so preach, expound the scriptures, or pray within any house, shall be seized upon and imprisoned till they find caution, under the pain of five thousand merks, not to do the like thereafter; or else enact themselves to remove out of the kingdom, and never return without his majesty's licence." But the most atrocious clause I cannot avoid copying, it speaks more than any commentary could the horrors of these times, the happiness of our own. " Whosoever shall preach, expound, or pray at any of these meetings in the fields, or in any house where there be more persons than the house contains, so as some of them be without doors—which is hereby declared to be a field conventicle—or who shall convocate any number of people to these meetings, shall be punished with death, or confiscation of their goods. And it is hereby offered and assured, that if any of his majesty's good subjects shall seize and secure the persons of

Connected with these, was an act exempting Roman catholics from the inflictions upon protestants who dissented from the episcopalian mode of worship, and rendering those only of the reformed religion subject to prosecution for absenting themselves from their parish churches. Against these acts, the only solitary voice that was heard raised above the murmurings of the servile herd in parliament, was the young earl of Cassilis, who voted in the negative. On a money bill which followed, the opposition was greater. When a subsidy was asked, to defray the extraordinary expense of the commissioners for the union, the provost of Linlithgow, who was desirous of being upon the nomination, proposed twelve months' cess; but Lauderdale, who had only instructions for three, having intimated that less than six would do, some of his party named five. But the duke of Hamilton, after adverting to the poverty of the country, desired it to be put to the vote, whether five or three should pass, it was carried for five, but by a majority of one, in the committee of the articles; nor was it passed in parliament without considerable struggle.

While the commissioner was pushing these terrible acts Leighton, probably the only prelate who desired peace, was attempting an accommodation; several meetings were held, but it was found impossible to produce any coalition between such discordant materials as the conscientious, austere, and exemplary presbyterians, and the time-serving, supple, and loose episcopalians. The chief point, however, of discussion, and of difference, was the government of the church. Leighton's scheme was, that presbyterian ministers should join their respective presbyteries and synods, where bishops should preside, but without any negative voice, and where all should be carried by a majority of votes, and that the presbyterians should be any who shall either preach or pray at these field meetings" "Shall have five hundred merks for each."—"And the said seizers, or their assistants, are hereby indemnified for any slaughter that shall be committed in the apprehension and securing of them!" Then, after narrating the fines to be inflicted upon all attenders, in order to render the sheriffs and others diligent in this work, it allows to themselves "all the fines of any persons within their jurisdictions, under the degree of heritors!"—Printed Acts. It has been said by Burnet, that the king was not pleased with the act, as extravagantly severe, Hist. vol. i. p. 430.; but he never did any thing to alleviate its severity.

allowed to exonerate their conscience by a protest against their sitting in presbyteries with bishops being construed into an acknowledgment of episcopacy, and he urged the precedent of the presbyteries before the year one thousand six hundred and thirty-eight, when both sat together, yet episcopacy was never considered as the religion of the country. The ministers replied, the presbyteries were not, as then, established by law, being now founded only upon the bishop's commission, who was still clothed with episcopal power, though he should forbear the exercise of it; lay elders were not admitted, without whom a true presbytery could not exist; nor could they perceive any thing in the whole scheme but an attempt to ensnare them into an acknowledgment, or, as they termed it, homologation of episcopacy, and to engage the presbyterians to ruin their own cause, by inlisting under the banners of the enemy.

Equally abortive with the scheme of an accommodation between the two religious parties, was the project of the union between the two kingdoms. Immediately after the rising of parliament, the commissioners set out for court, where they were most graciously received. Being introduced to the king in the dark, he facetiously told them, although he could not see their faces, he hoped the business upon which they met would be for the good of both kingdoms; and, for his own part, he had no other design. The Scottish secretary then informed him, that they were a quorum of these he had honoured with that trust; but that he believed the kingdom of Scotland could very well have intrusted the whole affair to his majesty without them; and Charles was condescendingly pleased to reply, "this they might safely have done." The commissioners were [then] appointed to hold their meetings at Somerset house, where their sittings for business commenced September seventeenth, one thousand six hundred and seventy. Their credentials having been previously read, a message from the king was delivered in writing, containing the subject submitted for their deliberation, under five distinct heads:—1. The preserving to either kingdom their laws, civil and ecclesiastical, entire.—2. The uniting of the two kingdoms into one monarchy, under his majesty, his heirs and successors, inseparably.—3. The reducing of both parliaments to one.—4. The stating of all privileges,

trade, and other advantages.—5. The securing the conditions of the union ;—but he left them to discuss them in what order, and to make what proposals on each they thought best. As the business was new to the Scottish deputies, the commissioners separated; each nation to deliberate apart. At a private meeting in Lauderdale's lodgings, the lord advocate contended that there could be no union, as proposed in the second and third articles, it being destructive of the fundamental constitution of Scotland, and tending to take away her parliament, which parliament had neither power to do themselves, nor could they empower others to do it; besides, it was declared treason, by statute, parl. 8. James VI. to attempt the alteration of the constitution of parliament, or to transfer, or alienate the kingdom. He alleged, also, that the union proposed by James VI., by which they were to be regulated, was not of this nature; but, like the union among the ancient republics, the sovereignty was preserved to each individual state. Lauderdale answered, that the United Provinces had each of them their sovereignties reserved, and yet they were united in one body by their several representatives, in a common council; and the republics of Greece were represented at the general council of the Amphictions. On the first head, it was argued, that there could be no appeals from the court of council and session, in Scottish cases, to the British parliament; a resolution, from which it is questionable, how far, at a later date, it was justifiable to depart. Respecting the proposal for reducing the two parliaments into one, the English commissioners appear to have been aware of the danger of introducing too many needy Scottish members, and required that it should be considered in two branches; first, the proportion of burdens, and then the proportion of members. In private, the earl of Lauderdale, on purpose to preserve the Scottish legislatures independent, proposed that both parliaments should be kept entire, but that a certain number of Englishmen be appointed to sit in the Scottish parliament;\* and, upon great emergents concerning the monarchy, his majesty might be empowered to summon the two great councils, to meet together at

\* The king already possessed the power of creating Scottish noblemen, English peers, and giving them a right to sit in the house of lords.

Westminster, or wherever he chose, to deliberate and decide upon public affairs. But this suggestion was dropped, as inconsistent with the second proposition; and both English and Scottish commissioners agreed to his majesty's proposal, as it stood, for incorporating the parliaments. The English insisted that only a proportion of Scottish members should be admitted, regulated by the wealth and population of the country. The Scottish said, they had not authority for breaking down their native parliament, which consisting of lords, spiritual and temporal, commissioners of shires and burghs, all behoved to be admitted; to this the English commissioners not consenting, the conference was adjourned, and they met no more. On the 14th November, the Scottish commissioners held their final audience at Whitehall, to take leave, when the earl of Lauderdale informed his majesty of their proceedings—that in consideration of his royal interest and greatness, they had consented that both parliaments entirely should be united, and that nothing less could have satisfied the parliament of Scotland, which not being accomplished, they were about to return to their homes, but would be ready again to wait on his majesty, whenever they should receive his commands. The king told them, as at present it did not appear likely the treaty could be brought to a conclusion, he would think upon some expedient for removing the difficulties, of which he would give them due notice; and dismissed them with great professions of kindness for his ancient kingdom, to which he confessed himself under many and great obligations.

THE

## HISTORY OF SCOTLAND.

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### BOOK XIII.

LAUDERDALE, now lord of the ascendant, determined to have no rivals. He had hitherto consented to share with Tweedale, and Sir Robert Murray, the administration of Scotland, which, under their management, was beginning to assume some appearance of regularity; the revenues were not squandered with the same wanton and thoughtless prodigality, and even a surplus was laid up in the exchequer; proposals for extending the fisheries had been encouraged, and a company formed under the sanction of government, to be divided into shares of one hundred pounds sterling, each, which had already a capital of twenty-five thousand pounds; and although the courts of justice could neither be praised for impartiality nor uprightness, they were not so outrageously and shamelessly venal as they had been, or as they afterwards became.

But lady Dysart, and the earl of Rothes, had insinuated into his grace's dark and irritable mind, that Tweedale assumed the credit of being his director, and his haughty spirit could not brook the idea of being still under tutelage. The first open appearance of the breach, however, was the pettish reply Lauderdale gave to Sir John Baird, one of the commissioners for the union, when he asked him if he would write for Tweedale, who remained in Scotland as manager during his absence, to come up to London, "he may come, if he please," was the answer, "but I will write for no man." When Tweedale came, and was welcomed and entertained by his own friends, the earl exercised his rude raillery upon the occasion, and in

some otherwise insignificant squabbles that occurred, assumed the air of a master, and a decided opponent to the supporters of the other.\*

Immediately upon this rupture, the commissioner formed new arrangements, at the head of which was his brother Hatton, whose interest the countess of Dysart espoused, as there was a treaty of marriage in agitation between her eldest daughter and his son. Whilst these changes were going forward, the countess of Lauderdale, who had retired, to avoid being witness of her husband's infidelity, died at Paris; within six weeks after her decease, the earl married lady Dysart, and Sir Robert Murray incurred the lasting displeasure of the noble pair, by having advised him against what he considered a disgraceful connexion.† Thus, the only persons who were checks upon the violence of the earl's temper, being removed from his confidence, his depraved and furious passions devised, and protracted in Scotland, a more hideous tyranny than had ever desolated that wretched country.

The powerful offices of state, and in the courts of justice, were appropriated entirely by the earl and his dependants; besides, being king's high commissioner, he was president of the council, sole secretary of state, one of the commissioners of the

\* Sir George M'Kenzie mentions one of these, very descriptive of the times. "The chancellor dining at Blackbarrony's house, did express his dissatisfaction with the advocate and register for walking afoot on the streets, having so considerable an allowance, calling them 'damn'd lawyers.' This having been told them, they, but especially the advocate, resented deeply the expression, at which the commissioner considering that they were Tweedale's only supports, stormed extremely, and swore he would complain of them to the king, as persons who designed to divide the commissioners for the union by their fantastic whimsies," Hist. p. 215.

† Lady Dysart was the eldest daughter of William Murray, who had been page and whipping-boy (*i. e.* a slave to endure the chastisement young master merited, an improvement in education adopted subsequent to the days of Buchanan) afterwards a gentleman of the bedchamber to Charles I., by whom he was created earl of Dysart. She was designed by her father to have been married to Sir Robert Murray, but the design was fallen through, and she married, for her first husband, Sir Leonel Talmash of Suffolk, a man of a noble family, after whose death she lived with Lauderdale till his lady died, as mentioned in the text. Burnet, vol. i. pp. 359, 360. She inherited or assumed the title after her father's decease.

treasury, captain of the castle of Edinburgh, and of the Bass,\* agent at court for the royal burghs, and one of the four extraordinary lords of session; his brother, lord Hatton, was treasurer-depute, general of the mint, and one of the lords of session; Athole was lord privy-seal, justice-general, captain of the king's guard, and one of the four extraordinary lords of session; the earl of Kincardine one of the commissioners of the treasury, vice-admiral of Scotland, and an extraordinary lord of session; Sir James Dalrymple of Stair, a privy counsellor, and president of the court of session; and Sir James Lockhart of Lee, lord justice clerk, to whose court five lords of session were conjoined, instead of the deputies whom the justice-general, or the assessors whom the privy council had been accustomed to appoint; rendering, perhaps, a superficial, rather than a substantial, an apparent, rather than any real alteration in the efficient power of the judicatory; but, if possible, reducing the judiciary to a rank more devoted than even the session to the crown.

\* The Bass is a high insulated rock, at the mouth of the Firth of Forth, about a mile in circumference, and was converted into a state prison. "Sir Andrew Ramsay having neither for a just price, nor by the fairest means, got a title to a bare insignificant rock in the sea, called the Bass, and to a public debt, both belonging to the lord of Wachton; my lord Lauderdale, to gratify Sir Andrew, moves the king, under the pretence of this public debt, and that the Bass was a place of strength;—like to a castle in the moon, and of great importance—the only nest of solan geese in these parts, to buy the rock from Sir Andrew, at the rate of four thousand pounds sterling, and then obtains the command and profit of it, to be bestowed upon himself." *Scotland's Grievances, &c.* Sir George M'Kenzie thus states the transaction, "Sir Andrew Ramsay had, by obtaining 5000 lib. sterling to the duke of Lauderdale for the citadel of Leith, and other 5000 lib. to him for the new imposition, granted to the town by the king upon ale and wine, insinuated himself very far into the favour of his grace, and by his favour, had for ten successive years continued himself provost of Edinburgh, and consequently preses of the burghs: by which, and by thus having the first vote in parliament, he was very serviceable to Lauderdale, who, in requital of that favour, obtained 200 lib. sterling, per annum, settled upon the provost of Edinburgh," this seems to have been the first regular salary of the chief magistrate of the metropolis, "and caused the king give him 500 lib. sterling, for his comprising of the Bass, a rock barren and useless thus they were kind to one another upon his majesty's expenses." *Hist. pp. 246, 247.*

Scotland, in this hour of her darkness, presented a deplorable picture ; the great part of her nobility beggared, and dependant on the scraps and fragments of royal bounty, ruled her parliament, and exhibited unalloyed, and unadorned, the necessary consequences of hereditary legislation, in intrusting the supreme councillorship of the kingdom, to men, who inherited the parliamentary rights of their ancestors, without their virtues or their wealth ; especially, where, as in Scotland, the three estates of the realm met in the same apartment, and where the pride of birth and of station claimed a deference, which the commons had not yet acquired an importance sufficient to counteract. The majority of the gentry, still respectable, who cherished the spirit of piety and independence, which had animated their fathers, were excluded from all offices of trust or influence, by pernicious tests ; and two-thirds of the industrious sober inhabitants of the country, were persecuted and harassed for their religious opinions, the very habits, which, in the natural and ordinary intercourse of life, render men good members of society, and loyal subjects, being proscribed as the marks of sedition ; and, to finish the sketch, there was a standing army ready to execute almost every despotic command.

Could any thing aggravate the monstrous ingratitude of Charles in endeavouring to enslave an affectionate and loyal people, it would be the perfidious means by which he attempted to accomplish it—the base sacrifice of national glory for the grovelling purpose of sensual gratification ; and in Lauderdale he had a most admirable counterpart. Accordingly, after employing him to forward the wretched and faithless policy of the second Dutch war, he considered him as a fit instrument for endeavouring to render one of the British nations an accomplice in establishing arbitrary power in the other. His office of commissioner, therefore, was prolonged, after the object for which it had been ostensibly bestowed had failed, and, decorated with the title of duke, he was sent down to Scotland to hold the third session of his parliament. Previously to attending to business, however, he made a triumphal tour through the country to exhibit his new dutchess, during which, a splendour and a servility were displayed equal, if not superior, to the royal pageantries of former times ; his favourites vied with each

other in munificent hospitality, and anticipated reimbursement from hateful monopolies, or ruinous fines.\*

At the opening of the parliament, June 11th, 1672, his lady had chairs placed for herself and some of her attendants, where they sat in great state and heard the commissioner deliver his speech—an honour never conferred on any of the Scottish kings' queens, and which, when contrasted with her origin and previous conduct, did not tend to exalt her in public estimation. Upon being assured that no money was required, the estates unanimously, and with great cordiality, returned his majesty their hearty thanks for his gracious communication, approved of the war with Holland, and made in due form the tender of their lives and fortunes for its prosecution, additional restrictions were imposed upon the presbyterians, and the 29th of May was ordered to be kept for ever as a day of thanksgiving for the restoration of his majesty, and the consequent happiness of his people! In the management of this session, the commissioner displayed the same boisterous, irascible and domineering haughtiness as in the former. It had been proposed to take away the summer session, and add a month or two to the winter instead. This motion, which a number of west country members approved, had been withdrawn, it was generally said, in consequence of some secret but powerful arguments used to the dutchess of Lauderdale by the citizens of Edinburgh, who were deeply interested in retaining the courts as long as possible in the city. Sir Colin Campbell, burgess for Inveraray, moved it again, at which Lauderdale in a fury exclaimed with an oath, that it should never be taken away, except his majesty should name another commissioner, and none should carry it, except over his belly.

Notwithstanding the promise, both in the king's letter and the commissioner's speech, that no subsidy should be requested, his grace induced Athole to move in the articles, that although

\* The Laird of Boussie, a rich gentleman, was brought before him, (Lauderdale,) for hearing a Presbyterian minister, whom he entertained as his chaplain, and was fined in 27,000 merks; and this was given to the earl of Athole, to clear Lauderdale's quarters, who at this time made a stately visit to the earl with his lady and family, where there was no complaint of want while they were there. Kirton, p. 326.

his majesty had declined asking, yet, considering the exigencies of the time, and the expense of the war, the house were bound in duty to offer a grant, that the money might be in readiness whatever unexpected necessity might arise, and the more generous the sovereign showed himself, the more devoted loyalty should they exhibit. Robert Mill, provost of Linlithgow, a ready sycophant, immediately seconded the proposition, and tendered a twelvemonths' cess, which would have been carried in the committee, had not the commissioner himself, surprised at the extravagance of the offer, held up five of his fingers to Athole, who reduced the quota to five. But even to this reduced vote many of the nobility objected, as the country was exhausted of money, and, owing to the war with Holland, neither grain, cattle, nor fish, could be exported; and a number of them having met privately, it was resolved to oppose this exaction. The commissioner, who anxiously wished the subsidy passed, then proposed that the landholders should retain the interest of monies due by them in their own hands to meet the tax, by which means those who were deeply in debt would be empowered to defraud their creditors of more than they were required to pay to the king—a proposition which met with ready approbation from many of the needy nobility and gentry. When the act, however, was brought into parliament, it encountered considerable opposition from the third estate. "They had," it was said, "the royal assurance, that no subsidy was to be craved; nor was it just and reasonable that they should contribute to prolong a contest, by the continuance of which the country was impoverished, and for the support of which his majesty, who certainly best knew the necessities of the state and the condition of the war, had assured them they should not be burdened. That ever since the restoration, the little money the usurpers had left had been drawn out in subsidies, and it would be proper for the parliament to let the people see at least one session without a cess; nor could the cess avail in the present instance; if the enemy did not invade it was useless, but insignificant if they did, for then nothing less than the cordial concourse of the whole kingdom could prove effectual, and the exacting such a tax at that time would cool the affections of the people; neither had any former similar impositions tended to

any thing but to drain the community, and enrich courtiers and favourites." The freedom of this language infuriated the commissioner, and he determined to wreak his vengeance on one of the most insignificant of his opponents. William Moor, an advocate and burgess of Inverurie, having suggested the propriety of consulting their constituents, as was usual in such cases in England, Lauderdale, in an ecstasy of rage, ordered the representative to be put to the bar, for offering to impose the customs of England upon the parliament of Scotland; and the silence of the insulted assembly upon this humbling occasion was only broken by the president of the court of session, who moved that the young man should be sent to prison till his crime was maturely considered, in order that their more important proceedings should not be interrupted, as if any proceedings could have been more important than vindicating their freedom of debate from such an outrage. The member was accordingly committed, and next day, on his knees, asked pardon of the commissioner, to the everlasting disgrace of the pusillanimous legislators, who, in his person, sacrificed their privileges, and exposed their meeting to derision.

The only act of this session which appears not to merit censure, was one for retrenching advocates' fees, and shortening processes, which, however pleasant to the lieges, was far from being agreeable to the faculty, and probably had some influence in the memorable stand which they afterwards made against an arbitrary measure of the court, and in the antipathy which Sir George M'Kenzie evidently bore to Hatton, with whom he alleges the act originated.

Among the miseries with which Scotland was afflicted, the various monopolies deserve particular notice, not only from the extent of the suffering they occasioned, but likewise from the united opposition to which they gave rise;—the only serious resistance the power of Lauderdale experienced during his long and pernicious sway. The duty on salt, perhaps among the most mischievous species of excise, even when levied in the most regular manner by proper officers, became doubly pernicious in the hands of the salt masters, and the exchequer had, in consequence of complaints, negotiated with them so far, that

the general sale was transferred to the king's servants; but this management was found to be worse than the former, and, therefore, under pretext that the public would be better served, the earl of Kincardine farmed the trade from the crown, and immediately that necessary article rose from four to fourteen shillings sterling per boll, while the article itself was deteriorated, and the supply deficient. The importation of brandy had been prohibited, in order to encourage home distillation, but the seizures which were allowed to be sold were granted to lord Elphingston, the son-in-law of Hatton, and he, by granting licenses to importers, rendered that spirit more plenty and cheaper than ever, while he created for himself a handsome private exchequer. Tobacco was similarly disposed of to Sir John Nicolson, but under a more decent pretext—to liquidate the bonds which the nobility had granted to his grandfather, Sir William Dick, for the monies advanced by him at the beginning of the civil war. Sir Andrew Ramsay, the provost of Edinburgh, had a gift of the duties on ale and wines consumed within the city, in consideration of a handsome present to the duke. All Lauderdale's minions, his most distant relatives, and even his servants, were gratified with gifts, or waited in expectation of new monopolies; for the act which gave the king the regulation of foreign trade, left every kind of merchandise at the mercy of the commissioner.\*

By the laws respecting religious conformity, almost the whole population of every rank was exposed either personally or relatively to the exaction of severe fines; nor were the lucrative statutes allowed to remain as dead letters. In the small shire of Renfrew, ten gentlemen, and these not the most opulent, were amerced in the enormous sum of nearly nine hundred thousand pounds Scots, or upwards of thirty thousand pounds sterling, besides what was levied in lesser penalties, and went into the pockets of the magistrates who exacted them—these, too, were monopolized and farmed out, and while the commissioner's income, far exceeding what any former Scottish monarch

\* Scotland's Grievances under the Duke of Lauderdale. Wodrow's Appendix, vol. i. M'Kenzie, p. 242, et seq. Law's Memorials, p. 43. Burnet, vol. ii. p. 84. Scots Acts.

had ever enjoyed, could not supply his expenditure, the deficiency was wrung from the estates of the most deserving of the community.\*

Leaving Scotland in a state of feverish inquietude, Lauderdale proceeded to London, to receive the thanks of his sovereign, and further marks of his confidence; and imboldened by the success of his rash and imperious proceedings, the secret council in England meditated equally nefarious attacks upon the religion and liberty of that country, without adverting to the very different constitution of the parliament, and condition of the people; the sufferings and the discontent of Scotland, however, though glossed over, or concealed by the friends and retainers of the court, were neither unknown nor unheeded in the sister kingdom, a strong and unexpected opposition in whose parliament shook the confidence of the king, made him shrink from the danger of prematurely resorting to force, broke up that traitorous band of conspirators, “the cabal,” and for the time saved that country from bondage. The house of commons voted the duke of Lauderdale a grievance, and not fit to be employed in any office or place of trust; but he had got his commission renewed, and was returned to Scotland, to meet, as he imagined, a more tractable assembly.

For once he was mistaken in his calculations; and what patriotism alone could not effect, seemed about to be accomplished by the union of all who had been disappointed in obtaining shares in the government, or in the public plunder, with those who were provoked at the arrogance, or oppressed by the avarice of the commissioner. The duke of Hamilton† was disgusted at the refusal of Hatton, as depute treasurer, to pass

\* “ Lauderdale’s allowance as commissioner is a most gross abuse. He called this parliament in order to a treaty of union with England. The parliament did in a little more than two hours all they did about it, and yet he hath kept it up now above these four years, and under this pretext gets vast sums, sixteen thousand pounds for his equipage, when first made commissioner, next, fifty pounds sterling per diem during the two first sessions, and fifty pounds sterling per diem during the third, and as long as he shall choose to continue the fourth, and ten or fifteen pounds sterling per diem during all the time of its recess.”—Short Account of the Affairs from Scotland.

† A younger son of the house of Douglas, who had married the heiress and obtained by the countess the title of Hamilton.

his accounts. Tweedale, already removed from the confidence, was still more chagrined at being cut off from the prospect of inheriting Lauderdale's estates; the duke having broken the former entail, and preferred Hatton to his children. Queensberry, Hamilton's brother-in-law, joined from affection; and Rothes from discontent, at losing the treasurer's staff: to these were added the advocates, displeased at the reduction of their fees, and through their influence, the burghs, who were induced to resent an insult done to their body, under the impression they might do so with impunity, if not with advantage. On the night before the riding of parliament, the chiefs of the opposition met secretly, and concerted their measures for taking Lauderdale and his party by surprise. Next day [Nov. 12th, 1673,] when the estates assembled, the king's letter, as usual, was read, in which his majesty thanked them for the subsidy they had granted him last year, and lamented that all his moderate proposals to procure a just and honourable peace had been rejected by the enemy; and expressed his conviction of their hearty concurrence in every mean to procure this desirable end. "But one of the principal reasons of keeping this parliament," he adds, "is to the end effectual courses may be laid down for curbing and punishing the insolent field conventicles, and other seditious practices, which have since your last session too much abounded; you are our witnesses what indulgences we have given, and with what lenity we have used such dissenters as would be peaceable, and how much our favours have been abused. You have made many good laws, but still you have failed in the execution against the contemners of the law. We must now, therefore, once for all lay down such solid and effectual courses, as the whole kingdom may see that we and you are both in earnest, and that if fairness will not, force must compel the refractory to be at peace, and obey the law." After reading the letter, when it was proposed, in common form, that a committee should be named for framing an answer, the duke of Hamilton rose, and required that the grievances of the nation might be first inquired into, and instantly a number of voices loudly seconded the motion from every quarter. At this unexpected explosion, the commissioner's friends were so astonished, that they all remained mute, till the earl of Kincardine interposed,

and represented that such conduct was derogatory to that high respect they owed the king, whose gracious communication demanded their first attention; and that the motion for a committee of grievances was an innovation upon all their old customs, among which, a committee of grievances had never been heard of, the legal way of bringing any subject before parliament, being by the lords of the articles. To this it was replied, that in the old constitution, men had *dominos ad querelas*, as well as *dominos ad articulos*; and so late as Middleton's parliament there were lords of bills, as well as lords of articles—the first being necessary for bringing forward what grievances were proposed to be redressed in favour of the people, as the other for preparing what is to be offered to the parliament by the king; nor did the parliament, by nominating a committee of articles, deprive themselves of the right of nominating other committees for other purposes; or of considering, in the first instance, what was the most proper subjects for their discussing. The word grievances, it was answered, was unknown in Scotch law; nor were *domini ad querelas* committees for grievances, but only committees appointed for private cases, where these were too numerous for being heard by the articles, as in Middleton's parliament, when so many cases arose out of the circumstances of a recent rebellion. The debate growing warm, Lauderdale imperiously interfered to overawe the speakers; but Sir Patrick Hume of Polwart spiritedly asked, Whether it was not a free parliament? and the court party, perceiving that this was not a time to push matters to extremity, proposed to adjourn; and that, in the interim, some of the ablest men on each side might meet to deliberate upon what was required, and what would be the most proper way for redressing the grievances.

A deputation, in consequence, met in the Abbey, when Lauderdale offered to withdraw the monopolies of salt, brandy, and tobacco; but the oppositionists informed him that it was not in their power to accede to any propositions made privately, while parliament was sitting, and they separated without coming to any agreement. The commissioner thought these concessions ought to have satisfied them, while they looked forward to his removal—as he was the chief obstacle

in the way of their ambition—and trusted to the popularity of their pretensions for effecting their object. Both endeavoured to ingratiate themselves with the people; Lauderdale abolished the odious restrictions, but the oppositionists declaimed loudly upon preventing such abuses for the future, of filling the judicatures with upright judges, of reforming the mint, as Hatton had greatly debased the coinage, and allowing some relief to tender consciences. The act against the advocates was also proposed to be rescinded; but it was remarked, that none of the infamous acts against the presbyterians were mentioned by the party as requisite to be annulled; and they who now knew law only by its injustice, felt little sympathy in the lamentations of lawyers; nor did the people, whose almost only use for coin was to pay exorbitant contributions, express much anxiety whether the currency were sterling or debased.\*

In the midst of these contentions, the opposition determined to impeach one of Lauderdale's chief tools, Sir Andrew Ramsay, provost of Edinburgh; who, from his official situation as first magistrate of the capital, had considerable interest with the burghs, by his own and his colleagues' leading votes in parliament. He had held this situation for ten years, and had conducted himself so tyrannically in it, applying the common good to the use of himself and his friends, and inventing new employments and unnecessary offices within the town, to provide for his dependants, that the citizens, weary of the yoke, had resolved to turn him out at the election, one thousand six hundred and seventy-two, and would have prevailed, if two of their number had not refused to vote, supposing the question would have been carried without them, and they would have preserved their credit; in consequence, Sir Andrew had a majority, and the citizens were forced to “intend a reduction of his election.” The case being submitted to the chancellor and president, they ordered an act to be passed in the common council of Edinburgh, declaring, that none should continue provost for longer space than two years successive, and ordering this act to be sworn by the then present, and

\* Kirkton, p. 241. M'Kenzie, p. 260. Law's Memorials, p. 54. Burnet, vol. ii. p. 99.

every succeeding council; this act was subscribed accordingly by Sir Andrew and the whole magistracy. Notwithstanding which, however, assisted by his good friend Sharpe, the primate, the knight determined to stand next year; and having excited a mock riot by means of his own servants, he wrote to court, complaining of a tumult raised by the people against their magistrates. In answer to this letter, a message came to the privy council, to inquire into and punish the authors of the sedition; the inquiry was committed to the friends of Sir Andrew, who privately examined a number of witnesses, and reported; and an order sent in course from his majesty, deposed the town clerk, Mr. James Rothead, as accessory to the tumult, without even so much as allowing him to be heard in his own defence. Such was the terror occasioned by this proceeding, that no further opposition was made to the worthy provost's re-election for the twelfth time! Now, however, when the commissioner's power seemed to waver, some of the citizens were prevailed upon to sign an accusation against him, raised upon those very acts of parliament, which Lauderdale had found of such service against his enemies, but which were now turned with equal effect against himself and his friends. "Albeit, by the act against billeting, it was declared a crime in any man to endeavour to thrust any of his majesty's subjects out of their employments without a formal and legal sentence, yet he, the said Sir Andrew, had procured a letter from his majesty to thrust Mr. James Rothead out of his employment as town clerk of Edinburgh. And albeit the making lies between the king and his people was punishable by death, yet he had represented to his majesty that the town had risen in a tumult against the king, and had thereupon procured another letter, commanding the privy council to proceed against the said citizens as malefactors." As the charges in this impeachment reached, by implication, the commissioner himself, who had procured the letters, it was deemed expedient to quash all further proceedings by sacrificing the knight, who was forced to demit both his offices as lord provost of Edinburgh, and one of the lords of session—a conclusion which appears to have given very universal satisfaction, even to those who favoured the ruling powers; there is something so highly gratifying in

observing the retributive justice of providence, when men, who have stretched the law to injure others, themselves suffer by the operation of the same legal subtleties, which they have first called into exercise with very different intentions.

Perceiving that in their present mood there remained no hope of being able to manage the parliament, Lauderdale protracted it, and, foreseeing that the malecontents would hasten to court with their representations, he recalled his brother, Hatton,\* who had remained in London as Scottish secretary during his absence, and despatched Kincardine to supply his place, with full instructions to anticipate their complaints, and counteract their measures; Hamilton, Tweedale, and major general Drummond, were in consequence, on their arrival at Whitehall, coolly received by the king, who reproached them with endeavouring to sap the foundations of his authority in Scotland, by introducing subjects into parliament without previously submitting them to the articles, which he considered the surest guard of his government, and endeavouring to force him to give up his most faithful servants; but this he was determined he would not suffer to be done, neither by billeting, as Middleton had attempted, nor by the intrigues of those who wished for their offices, as he believed was the case now. He, however, added, he would attend to the grievances of the country, and should ever be ready to adopt any proper and respectful means which were offered him for their redress.

The powerful combination, both in Scotland and England, against his ministers, forced Charles to use conciliatory language, and Lauderdale to adopt more cautious methods than were natural to him. At this time, the English parliament had not only renewed their application for the removal of the duke from all

\* Hatton, besides being inadequate to the delicate task of managing his brother's interest in such a hazardous conjuncture, was also himself placed in a very awkward situation. On being accused of deteriorating the coin, a trial had been made in his majesty's presence in London, when the English judges gave it against the master of the mint, who was under the necessity of having recourse to the plea of "false coiners," and come down to Scotland where the business could be more fully investigated by the essaye-masters, who kept a part of every melting in an essaye-box, to prove the purity of the metal, whatever it did as to the weight—they of course gave it in Hatton's favour. Mackenzie, p. 265. Law, p. 59.

his employments, but had appointed a committee to inquire into the proceedings in Scotland, by which an army had been ordered to be raised, and authorised to march into England, by the sole authority of the privy council of that kingdom, and into all measures that tended to create a breach of amity between the two nations;\* and both Charles and Lauderdale dreaded too close a connexion between Shaftesbury, again in opposition, and Hamilton and the Scottish malecontents. His majesty, therefore, dismissed the latter with the strongest assurances that their grievances should be left to the full, free deliberation of parliament.

Hamilton announced the royal pleasure to his friends, and hastened down, during a tremendous storm, to concert with them the plan of procedure for the ensuing important session. Upwards of a thousand horse awaited to escort him on his return, and when he proceeded to parliament he was accompanied by a splendid train, while the commissioner was left to enter almost alone. It had been resolved by the oppositionists to move immediately after prayers that an answer should be returned to the king's letter, and to narrate in it the whole of their complaints, hoping to prevent any adjournment, at least till they were discussed. But no sooner was prayer ended than the house was adjourned by his majesty's command, and when Hamilton rose to announce his motion, he was told it was too late, they were now no parliament, and the enraged members were forced to depart with the hopes of being perhaps more successful upon some subsequent occasion; but no opportunity was ever allowed them to assemble, being shortly after dissolved by proclamation—a thing never before known in Scotland; nor was any other parliament called during the administration of Lauderdale, who set an example to his master of first prevailing upon servile parliaments to enact oppressive and tyrannical statutes, and then of ruling the subjugated land without their intervention. A solemn and an important lesson to free parliaments to beware how they betray the least of their privileges into the hands of royalty, or how,

\* Bishop Burnet, in his examination before the house of commons, discovered the intention of the commissioner to have marched a Scottish army into England, to support the measures of the cabal, had not the king shrunk.

by surrendering constitutional checks, they enable an unprincipled, or a profligate premier, to maintain his seat in opposition not only to the interest but the will of the nation.

Exasperated at their disappointment, some of the Hamiltonian party proposed to assassinate Lauderdale, but their leader would not listen to such a proposal, and returned with his friends to court, upon an insidious invitation, to state their grievances in a written memorial; being requested to sign it, they perceived the snare, nor could the “word of a prince,” which Charles vouchsafed to pledge for their safety, induce them to place themselves within reach of the statute against leasing making; and the only result of this interview was to fix Lauderdale more firmly in the confidence of his sovereign, and procure—with the exception of Hamilton—the complete exclusion of his opponents from the privy council. Having triumphed over his elevated rivals, it only remained to crush his humbler opponents at the bar and in the burghs; a private quarrel afforded him an opportunity of doing both. The earl of Callendar was married to the duke of Hamilton’s daughter. The earl of Dunfermline was uncle to the duke of Lauderdale. A lawsuit between these two noblemen was naturally espoused by the friends of both, and all the virulence of political animosity mingled in the dispute. As parties stood, Lauderdale had the court of session entirely at his beck, but at present he was in a minority in parliament; he, therefore, determined that the court of session should decide the plea before he departed for London, and to sit himself as an extraordinary judge on the occasion. But the statute, concerning the regulation of judicatories, enacted so late as 1672, expressly provided, that every cause to be heard in the inner house should be enrolled and called according to the date of its registration; and if any cause were called by anticipation out of its due course, neither party were bound to appear or plead, and although the parties should not object, the clerks were forbidden to engross or to extract the decision of the court. To get the better of a rule so explicit, in an act which had been almost forcibly carried by the commissioner himself in opposition to the remonstrance of the lawyers, required a total want of every principle of modesty, or of moral feeling. But a wretched quibble satisfied the conscience of the president. The case had never been en-

rolled, therefore it was not calling it out of its due order on the rolls to call it before all those that were!—an interlocutor in favour of the earl of Dunfermline followed of course. Sir George Lockhart, Callendar's advocate, who knew that Hamilton's interest would carry it in parliament, advised an appeal, which was immediately lodged. Although this was no unprecedented proceeding, yet, the purity of the bench having been challenged, and the appellant's leading counsel, who stood highest at the bar, supposed to be looking up to the president's chair, not only the interest of Lauderdale's uncle, but of the president and the party, required that no appeal should be allowed in the present case, and Sir George Lockhart, and Sir John Cunningham were required to swear to the advice they had given; but they refused to comply with this arbitrary mandate. Lauderdale, when he went to England, carried with him a letter from the court of session, declaring the legality of his conduct, and humbly entreating his majesty's opinion upon a representation of the case; and he enforced, by a most cogent argument, the reasons against any appeal from the decisions of the bench, “in the session the king had the sole nomination of all the judges, whereas, the parliament was not of his election.”

Charles could not withstand this logic, and in a letter to the session, declared his intention constantly to maintain the authority of that court against all encroachments that might be attempted against it—expressed his dissatisfaction with, and abhorrence of these appeals, and his pleasure that care should be taken to prevent like practices in future. He, at the same time, ordered solemn intimation to be made to all connected with the college of justice, that none of them should presume to speak, or suggest any thing that might import charging the sentence of the lords of session with injustice; and intimated, that no further proceedings should take place against those who gave in the late appeals, or the advocates who refused to give their oaths respecting their accession, provided the advocates solemnly disowned these appeals; but in case of refusal, they were to be debarred from the exercise of any part of their functions in time coming. Lockhart and Cunningham were, upon receipt of this letter, called before their lordships, and had the royal pleasure intimated to them; but they adhered

to the opinion they had expressed, that an appeal was legal, and were in consequence debarred from practice during his majesty's pleasure. About fifty advocates followed these eminent lawyers out of the session house, and were also debarred, and exiled twelve miles from Edinburgh. But the bar was divided between the Hamilton and the Lauderdale factions, and those who had at all taken any active share in the business of the appeal, were forced, not more for the sake of consistency, than for interest, to adhere to the side they had espoused; because, by disavowing the right of appeal, they run the risk of incurring a capital charge, for disowning the authority of parliament, and at this period there was a possibility that the appellants would have a majority on the first meeting of that assembly.

Excluded from the capital and their professional duties, the advocates applied themselves to secure their interest with the burghs, in a meeting that was to take place at Stirling; but baillie Baird, who represented Edinburgh, perceiving that theirs was a declining cause, with a policy, not always neglected by the baillies of the same city, even at this day, chose to withdraw, and the meeting adjourned. When the convention met in the capital, they received a royal mandate, desiring them to consider how much prejudice they suffered from being represented in parliament by dependants of nobility, and to renew the good old acts of the burghs, which prevented any but persons in trade from being elected. The advocates, who knew that this admonition was levelled at them, and was intended to reduce the burghs to an entire subjection to Lauderdale, circulated among the members "reasons why the obsolete regulations were now inapplicable," and the burgesses were induced to return an answer to his majesty, respectfully adhering to their unrestrained rights of election; but even this modest reply was deemed seditious, and the provosts of Glasgow, Aberdeen, and Jedburgh, were fined for a paper of which Sir George Lockhart, Sir George M'Kenzie, and Mr. Walter Pringle were the authors.

Foiled in their manœuvres with the burghs, the advocates presented an address to the privy council, satisfactorily establishing the rights of appeal both from precedent and acts of

parliament, and the propriety, as well as legality of their refusing to answer upon oath as to their professional advice, but so far from breathing any thing like a noble spirit of independence, it is marked by a servile crouching to royal prerogative, common to the whole profession of that day; yet all was unavailing, even it was voted seditious by the privy council, transmitted to the king, and the subscribers processed. A deputation was sent to London, to explain the conduct and motives of the advocates, and defences were given in to the privy council; but while the cause was pending, Sir George M'Kenzie called together all the advocates who remained, and representing to them the folly of contending with their prince, or adhering to a faction unable to protect them, they all agreed to a submission, throwing themselves entirely on his majesty's mercy; to which, after some reluctance, their leaders who were at court also acceded.\* "Thus," says Sir George M'Kenzie, "the storm spent itself without prejudice to the authority it had opposed;" and the right of appeal from the decisions of the court of session remained suspended, till restored by a revolution, one of whose happy consequences it was to free that court from the influence of the crown, and to render appeals to parliament less necessary.

During these political dissensions, the presbyterians alternately indulged their hopes and fears, and as they still flattered themselves with the lurking favour of Lauderdale, conventicles increased; but now, when these contentions had ceased, his tyrannical temper, goaded on by the prelates, burst forth with redoubled fury, and upon the report of some trifling disturbance, in addition to all other means of oppression, ten gentlemen, and two noblemen's seats were seized and garrisoned, under the pretext of preventing disorders, and Sir Patrick Hume for protesting against planting garrisons in a peaceable country, as being intolerable fetters on the liberty of the people, was declared incapable of any public trust, and sent a close prisoner to Stirling castle. These garrisons, intended to curb field preachings, only rendered conventicles more attractive and crowded. Hearing the gospel under cir-

\* M'Kenzie, p. 217, et seq. Laing, vol. iii. p. 72.

cumstances of danger, shed a sacred sublimity over these solemn assemblies, which, now driven from the busy and peopled districts, were kept in moors and wilds in the mountains, and romantic glens of the country, often under the clouded canopy of night, or amid the darkness of the winter storm.

Numbers of the attendants on such meetings, when summoned before the privy council, knowing that imprisonment was the necessary consequence, refused to appear, and the council had recourse to an obsolete mode of oppression, and issued letters of intercommuning, by which the absentees were outlawed, and all who intercommuned with them were considered implicated in their crimes, and rendered liable to the same punishment. Their nearest relatives were forbid to exercise towards them the common offices of humanity, and in their case, even charity itself was guilt. The letters were proclaimed at the market crosses of Edinburgh, Haddington, Lanark, Cupar, Perth, Dunfermline, Stirling, and Glasgow. The words of the deed were expressive, nor were they words of course. “ His majesty commands all his dutiful subjects, that they, nor none of them, presume, nor take in hand to reset, supply, or intercommune with any of our rebels foresaid, for the causes foresaid, [preaching or hearing preaching,] nor furnish them with meat, drink, house, harbour, victual, nor no other thing useful or comfortable to them; nor have intelligence with them by word, writ, or message, or any other manner of way, under pain to be repute and esteemed art and part with them in the crimes foresaid, and pursued therefore, with all rigour to the terror of others.” It would be difficult to ascertain the numbers thus deprived of the protection of law, and excluded the benefits of social life. A moderate computation reckons about seventeen thousand of all ranks, including many ladies of distinction in the western districts alone; multitudes, besides, of the most respectable stations were crowded in the solitary dungeons of the Bass, or, by severer doom, sold as recruits for the French service.

In the harshest measures Sharpe was generally considered a principal instigator, and, in those where truth and good faith were most shamefully violated, like all who prostitute a

religious profession for selfish purposes, he enjoyed an infamous pre-eminence. Kirkton, the author of the Church History, having been decoyed by one Carstairs, a spy of the primate's, into his lodgings, was forcibly detained in order to extort a bribe, when Baillie of Jerviswood, Kirkton's brother-in-law, having heard where he was, proceeded to the house, burst open the door of the room, and released him. Irritated at Baillie for his interference, Sharpe antedated a warrant for Kirkton's arrest, obtained the signatures of nine counsellors to it, and delivered it to his myrmidon, Carstairs, who, upon this forgery, procured Baillie to be convicted of obstructing him in the exercise of his duty, fined in five hundred pounds, and imprisoned for a year. On this occasion, duke Hamilton, the earls of Morton, Dumfries, Kincardine, lords Cochrane and Primrose, who had opposed the iniquitous sentence, were removed from the council.

But the most perfidious violation of honour was the case of Mitchell, one which, by destroying all reliance upon his most solemn asseverations, may be viewed as among the influencing causes of the archbishop's death. After his attempt [vide p. 540.] the outlaw had resided abroad for some time, till, conceiving all danger over, he returned to Scotland, and married a woman, the owner of a small shop, not far distant from Sharpe's city residence. In passing occasionally, the primate had observed Mitchell looking earnestly at him, which raised his suspicion; he imagined he saw the features of the former, or another assassin, and caused him to be arrested. When taken, a loaded pistol was found in his pocket, which confirmed Sharpe's suspicions, but no other proof appeared of his guilt or identity. Anxious, however, to ascertain the extent of his danger, the archbishop swore by the living God, that he would obtain the prisoner's pardon if he would confess, and at last induced by the most sacred assurances from the commissioner, chancellor, and privy council, that his life would be preserved, Mitchell acknowledged his attempt upon the primate, but declared, that no person except one now dead, was privy to it. Disappointed in discovering a conspiracy, the council barely remitted him to the justiciary upon a restricted libel, but one of his judges whispered him to with-

draw his plea of guilty, unless his limbs as well as his life were secured. Irritated at his retractation, he was sent to prison, and remained two years, loaded with fetters, when he was put to the torture; which having endured till he fainted, without renewing his confession, he was sent to the Bass, and remained other four years unregarded, till after Lauderdale's return from court, he was again brought to the bar, [January 7th, 1678].

This trial, says lord Fountainhall, one of the most solemn which had taken place in Scotland for a hundred years, lasted four days, and made a wonderful noise in the country. Primrose, who as lord register, had been witness to the promise of life made by the council, was the lord justice general, sir George M'Kenzie, who had been the pannel's advocate before, and well acquainted with the fact, was the public prosecutor, but the jury was “ane assize of soldiers under the king's pay, and others, who, as they imagined, would be clear to condemn him.” The prisoner's confession was the only evidence adduced against him, and the court pronounced that his defence would be valid, if he could prove the promise of life under which it was emitted. Sharpe, Rothes, Lauderdale, and Hatton, who attested the confession, swore that no such promise was ever given, but the copy of the act of council containing it, which had been handed privately by the justice general to the pannel's advocate, was produced, and the books of council which were lying in the next room were craved to be examined, when Lauderdale, who was there only as a witness, furiously interposed, and forbade their inspection, as containing the king's secrets, and the very lord who had furnished the document, pronounced sentence of death on the unhappy pannel. As soon as the court rose, the lords went to the council chamber to peruse the record, and each, as is usual in cases of detected villainy, endeavoured to shift the blame from himself, for the fact was too palpable to deny, when Lauderdale who had, it is possible, previously forgotten it, was inclined to grant a respite. But Sharpe insisted, that to spare such a villain was to sacrifice him, “then,” replied the duke, with an impious and barbarous sarcasm, “let him glorify God in the Grassmarket,” and he was executed accordingly.

Among other objects of Lauderdale's visit to London, one was to concert means for enabling Charles to keep a regular disposable force in Scotland, available in case of any exigence in England; and the diabolical expedient adopted was to "exasperate the Scottish fanatics to some broil."\* At his return, as conventicles were most numerous in the west, a bond was tendered the gentlemen in that quarter, requiring them to engage, that neither their families, domestics, tenants, nor any of their dependants, should attend conventicles, under the same penalties as the delinquents. The gentlemen, who would readily have undertaken any rational measures for suppressing these obnoxious meetings, refused this impracticable obligation, and Lauderdale representing the subject to Charles, declared the district in a state of revolt. By express injunctions from the king, an army of ten thousand men, six thousand of whom, were savages from the hills, were in consequence, marched with all the apurtenance of war among a people, who had shown not the smallest symptoms of rebellion. Encouraged by indemnity, every species of atrocity except murder, was perpetrated, while the privy council who accompanied them, sat at Glasgow, they spread themselves in various directions over the country in search of plunder, and as every portable article of household convenience, was an acquisition to a Highlander, their depredations extended to pans, gridirons, and even baser utensils, if of pewter; travellers were stopped upon the highways, and not unfrequently stripped of their stockings and shoes, or those articles of wearing apparel, which their kilted visitors had been unaccustomed to possess. The country was amazed at such a visitation, and although their sufferings were severe, and they were exposed to the worst excesses which a brutal soldiery are wont to exercise in a conquered country, they were so generally convinced of its being the intention of government to excite them to insurrection, that with a patience perhaps unparalleled in history, they suffered themselves to be despoiled, imprisoned, and tortured, without affording their oppressors the smallest occasion for accusing them of any crime, unless that of rooted aversion to prelacy, of which such apostles and

\* Wodrow, vol. i. p. 454.

such methods of instruction, were not likely to render them more enamoured. The gentlemen who refused the bonds, were subjected to a new mode of the same persecution, and under a writ of lawburrows, required to find security to keep the peace, that was to prevent attendance upon conventicles, in as extensive a manner as was required under the bonds. To prevent the state of the country from being known, no person was suffered to quit the kingdom without permission; yet several noblemen and gentlemen, breaking through the restriction, carried the complaints of the people to the foot of the throne; but the only result was a letter from the king to Lauderdale, approving of all that minister had done. While they were absent, the commissioner assembled a convention, which expressed their satisfaction with his conduct, and voted a cess to defray the expense of the army, a subject which added to the distresses of the times, as many, from a principle of patriotism, denied its being a "free" convention, and deemed it unlawful to pay a cess for enslaving the country; and others, from a principle of conscience, refused to pay a tax levied for the sole purpose of suppressing the gospel.

When the Highlanders, loaded with plunder, retired to their homes, they were replaced by five thousand additional troops, and the vexations of perverted law were at the same time redoubled, by increasing the number of judges, and allowing them to share with informers the fines they levied on the accused. The conjoined despotism, military and legal now exercised, so merciless and universal, while it distracted the people, began to awaken a spirit of vengeance, and desire of retaliation. Several murders, committed among the soldiery themselves about this time, attributed by the persecuted to the hired agents of the council, and by the government to the desperate fanatics, continued to be the subject of mutual recrimination between the parties, till the assassination of archbishop Sharpe threw all the others into shade, and became the watchword of the most cruel proscription.

As Sharpe, during the whole troubles, had been peculiarly obnoxious for his severity against conventicles, those under his immediate inspection, to merit his favour, were similarly active. Among the rest, Carmichael, an officer in

his diocese, was noted for cruelty; and his insufferable enormities were the immediate occasion of the fatal catastrophe. This wretch had been accustomed to torture the wives, children, and servants, of the intercommuned, to oblige them to discover the places of their relations' retreats, and the exasperation which such inhumanity excited, determined nine of the outcast fugitives, chiefly petty landholders in Fife, to inflict on the brutal instrument of their misery some exemplary chastisement, as a terror to his fellows. Having ineffectually lain in wait for the agent, when they were about to separate, a boy informed them of the approach of the principal. Receiving this as a providential intimation that he, who was the cause of all the trouble the church and country endured, thus delivered into their hands, should suffer from them that righteous execution which his treason against the commonwealth deserved, but which no public tribunal had either the inclination or the justice to inflict, they determined to assume the very doubtful right of private men to avenge a public wrong. Hackston of Rathellet alone opposed their procedure; he said an object of such importance required mature deliberation, and, besides, refused to interfere, as he had individually quarrelled with Sharpe about tithes; but, unmindful of his observations, the others pursued the primate, and having come up with him on Magus-moor, not far from St. Andrews, they cut the traces of the carriage, and having disarmed and dismounted his attendants, they ordered him to come forth, that they might not injure his daughter, who was in the coach with him. Refusing to move, when dragged out he fell on his knees, implored mercy, and promised the party they should never be called to account for that day's work; but they reminded him of his oath to Mitchell, and protested it was from no motives of personal revenge they sought his life, but because for eighteen years he had imbrued his hands in the blood of the saints, and, at the same time, upbraiding him with keeping up the king's pardon after Pentland, they left him mangled and lifeless on the highway.

Eager to catch hold of whatever might tend to justify their own atrocious proceedings, the privy council, imputing the archbishop's death to the whole body of the whigs, resorted

themselves to measures equally indefensible, and exhibited the preposterous spectacle of an infuriated government, pursuing not the ends of justice, but of revenge; less anxious to bring the actual perpetrators of the deed to punishment, than to involve a large proportion of the people in its guilt. One of the last acts of the primate's life had been to assist in preparing a proclamation to enforce the rigorous execution of the sanguinary statutes already enacted, and his surviving associates religiously attended to his last bequest. Along with a proclamation for discovering the assassins, orders were issued for disarming the people, and dispersing conventicles at the point of the sword, which obliged the others, in self-defence, to increase their numbers, assume a more formidable array, and, as was to be expected, produced the insurrection so long desired.

Dreading what the effect of increased persecution might be, a party of about eighty persons, chiefly intercommuned, determined to lift up a testimony against the defections and sins of the times, headed by Robert Hamilton, brother of the laird of Preston, proceeded on the anniversary of the restoration [May 29th, 1679] to the burgh of Rutherglen, burned the act recissory, and all the acts restoring prelacy, extinguished the bonfires, and affixed their declaration on the market cross. Graham of Claverhouse—afterwards infamous for his cold-blooded assassinations—who was then at Glasgow, irritated at these proceedings, and armed with the council's sanguinary powers, determined to inflict signal vengeance on a field meeting which he learned was to be held in Loudon hill on the Sabbath following, and among whom, perhaps, some of that audacious party might assemble. His attempt was, however, so warmly anticipated by the armed part of the congregation, who advanced to meet him at Drumclog, that he left thirty of his dragoons dead on the field, and owed his personal safety to the fleetness of his horse. The certainty of a dreadful retaliation if they dispersed, determined the whigs to remain together, and follow up their victory; but by a short delay they allowed the troops to barricade hastily the streets to Glasgow, and being repulsed in an attempt to enter, they retired to a moor near Hamilton, where

they formed a kind of encampment, to wait for re-enforcements, which the news of their success attracted from all quarters. But, unhappily, the precious moments, that should have been devoted to organize and discipline the assemblage, were wasted in violent altercation respecting the grounds upon which they should justify their taking arms, or, in their own language, respecting what they should put down as the state of the quarrel—the indulgence, the cess, and the interest of the king.

Meanwhile the council, who, on the first intelligence of the rising, had transmitted the most exaggerated accounts to London, collected and interposed between Edinburgh and the insurgents the whole military force of the country, leaving the west entirely to the discretion of the whigs. In consequence of some failure on the part of his majesty of France, to pay his brother of Britain some part of his beggarly wages, Charles had admitted the popular party in England to his councils, but they could not introduce any change of measures with regard to Scotland. Monmouth, the king's favourite natural son, was immediately despatched with orders not to treat with, but to destroy the rebels. Ten thousand troops were awaiting his arrival, and at the head of this formidable force he proceeded against the whigs, whose number had never exceeded four thousand. They still occupied the same ground on the south of the Clyde, and were only assailable by the narrow bridge at Bothwell. As no conditions were offered except unconditional submission, there remained no other alternative but to fight, and for this they were not prepared when the king's troops advanced—they had neither order nor officers. A party, the leader of which is uncertain, disputed the bridge; but the moment they were obliged to retire for want of ammunition the rout became universal, nearly four hundred were killed chiefly in flight, and upwards of twelve hundred surrendered at discretion. Graham, in revenge for his dishonour at Drumclog proposed to sack Glasgow, but Monmouth, who had no sympathy with his feelings, rejected the proposal.

The royal duke preserved the prisoners from massacre, but he could not preserve them from the cruel mocking and bar-

barous treatment of their guards, they were driven with every mark of contumely like cattle, to Edinburgh, and for several months confined to the Grey Friars' church-yard, almost without covering, exposed to every inclemency of the weather, and plundered of what little property they had about them, or what their friends had found means to convey, in hopes of their being able to purchase some of the necessaries of life, or some alleviation of their sufferings. Monmouth on his arrival at court, obtained from the king an indemnity and a new indulgence, but the former was clogged with a bond, and the latter was soon withdrawn. By the persuasion of some of the indulged ministers, a majority of those confined in the Grey Friars' church-yard accepted the bond, and a few were released. Two ministers, however, were executed in Edinburgh, and five of the recusants were sent to Magus-moor, to propitiate the manes of Sharpe, although three of them had never been in Fife, and two of them declared they had not so much as seen a bishop in their lives; the rest were without distinction, delivered over to a fellow named Paterson, captain of a trading brig, to be by him sold as slaves in the colonies, but the vessel having struck upon a rock in the Orkneys, the miscreant would not allow the hatches to be opened, to give a chance of escape, and upwards of two hundred perished miserably in the wreck, which would have been the fate of all, but for a sailor, who, in spite of the captain's orders, opened a hole in the deck with an axe, and afforded to about fifty, the means of escape. Government, gratified by the insurrection, boasted loudly of their clemency, because instead of shedding the blood, they only confiscated the estates of the suspected. The justiciary divided, one quorum performed a very lucrative circuit, in the west, while another exercised their talents in the north, and by the private compositions and public forfeitures of the landholders, amply rewarded the minions of administration, while Claverhouse satisfied his revenge, and his military ruffians revelled in the spoil of humbler subjects in the south.

Whatever pleasing anticipations the presence of the patriots in the cabinet had inspired, were quickly dispelled by the king, who would, with regard to the ancient kingdom, neither listen to their suggestions, nor follow their advice. When the com-

plaints of Scotland were again repeated to him, he allowed that Lauderdale had done many “damnable things” there, but nothing against the royal interest! nor would the commissioner’s rule over that unhappy country ever have been shaken, but for the purpose of introducing a still more obnoxious vice-roy. The duke of York, who had been constrained to reside abroad on account of his religion, was recalled from the continent during a temporary illness of his brother, and as a more honourable exile was sent down to reside in Scotland. His entrance into the Scottish capital was conducted with great pomp, the sixteen companies of train-bands were called out upon the occasion, and sixty men selected from them, accoutred and apparellled in their best manner, were appointed his body-guard. An entertainment also was given by the magistrates, which, for extravagance and waste, in times of public bankruptcy and distress, might stand a comparison with any sumptuous exhibition of more modern date. It cost thirteen hundred pounds sterling besides presents, an enormous sum in these days, and in the then state of Scotland. He was admitted to act as a privy counsellor, without being required to take the oaths, the king having desired him alone to be exempted from any general test enacted by the parliament; during his short stay of three months, however, he intermeddled little in public affairs, and contrived so well to conceal the severity of his temper, that had he never returned or reigned, it might perhaps have been doubted whether the accusations of the presbyterians respecting his cruelty and intolerance, had not been aspersions.

Little as the episcopalian party were disposed to exercise forbearance to any who bore the name of presbyterian, yet their fury was roused in proportion as those who professed, avowed, and acted up to their profession; while the thorough-principled presbyterians as naturally, the more they were persecuted, clung the closer to the tenets for which they suffered. A few, or as they styled themselves, “a remnant,” who separated from their complying brethren, were marked out as peculiar objects of vengeance. Hunted on the mountains, and excluded from the protection of the laws, they naturally turned their attention to the mutual obligations of magistrates and people; and the duty of

yielding obedience to tyrants, was the frequent subject of their discourses—but their preachers were now reduced to two, Cargill and Cameron, from the latter of whom, the covenanters of this day derive the designation by which they are generally known. Few as they were, however, they determined to make a full and open confession and defence of the doctrines of the reformation—to protest against the infringement of their civil and religious liberties—and renounce formally that government, which had broken every engagement, overturned the entire constitution, and was known only by the evils it inflicted. Cargill, with Mr. Henry Hall of Haughead, being surprised at Queensferry by the governor of Blackness castle, on the information of the curates of Carriden and Borrowstounness, Hall, in generously aiding the escape of his minister, was himself mortally wounded, and on his person was found the unfinished draught of a paper enumerating the evils under which the country groaned, and proposing the civil and judicial law, given by God to his people Israel, as a model to be substituted in room of the tyranny of Charles Stuart; who drew this sketch, or whether it were merely private notes, was never certainly known, but it was immediately attributed by the council to the whole party, who were charged with the design of changing the form of government. Immediately upon his escape, Cargill joined Richard Cameron in Ayrshire, with whom he drew up the form of a testimony agreeably to what the afflicted state of the church and country seemed to require, and accompanied by about twenty armed persons, affixed the declaration to Sanquhar cross, [22d June, 1680.] To this measure they were prematurely forced by the universal representation given of them as republicans, by their adversaries; and they found themselves called upon to declare their adherence to the monarchical system of government acknowledged by the covenants, while they disowned Charles Stuart as their lawful sovereign—although descended “as far as they knew,” from their ancient kings—for his perjury and breach of covenant—for his usurpation over the church, and his tyranny in the state—declared war against him and his supporters, and protested against the duke of York as a papist’s succeeding to the throne. These proceedings called forth a proclamation from the council, offering a reward for the apprehension of any

of these concerned in the rebellious deed, and ordaining all the inhabitants of the western districts, from sixteen years of age and upwards, to be examined upon oath respecting the time when they saw any of the proscribed, or if they knew any of their lurking places, under pain of being considered as equally guilty in case of concealment. Orders were also issued to Dalziel, to send out parties to scour the country, and secure the ring-leaders. While these were actively patrolling the most obnoxious quarters, a large body of upwards of one hundred and twenty dragoons, surprised a party of the wanderers, consisting of about forty foot, and twenty-six horse, headed by Hackston of Rathellet, with whom was the two Camerons, at a place called Aird's moss. The persecuted, who knew they had no mercy to expect, drew up their horse at the entry to the moss, and on the advance of the king's troops, boldly attempted to charge through them; but the foot being ill armed and unable to support them, they were quickly surrounded, and after a brave resistance, were all either killed on the spot, or wounded and taken. Cameron and his brother fell in the field; but Hackston, severely wounded and made prisoner, was reserved for a more cruel death—ignominious only to those who inflicted it. Richard Cameron's head and right hand were cut off and sent to Edinburgh, according to the custom of the times; but, with more than common barbarity, they were carried to his father in prison, who was tauntingly asked if he recognised them.—“ Oh ! yes,” said the venerable old man, weeping as he took them and kissed them, “ they are my son's—my own dear son's !” then meekly added, “ it is the Lord ! good is the will of the Lord !” Hackston was carried faint and bleeding before Dalziel, at Lanark, who, unmoved by his situation, threatened to roast him, because he deemed some of his answers unsatisfactory, and with characteristic ferocity ordered him to be put in irons and fastened to the floor; and refused even to allow his wounds to be dressed. When he reached the capital, he was carried in on horseback, with his face to the tail; his companions on foot were marched before him fastened to an iron goad. Before the council, he refused to own the authority of the king, being in direct opposition to God, and theirs, as derived from him. His enfeebled state, which seemed unable to

sustain, alone prevented the application of torture, and he was remitted to the court of justiciary to undergo the mock form of a trial. Having disowned the authority also of this court, he was found guilty as a matter of course; but his sentence and mode of execution had been previously determined by the council, and he was carried from the bar to the scaffold. No friend was permitted to attend him in his last moments, nor was he allowed to address the people. He endured his revolting punishment with unshrinking fortitude; his right hand was first cut off, and the executioner having been long in the operation, he calmly requested him to strike on the joint of the left. When both were amputated, he was drawn to the top of the gallows by a pulley, and while alive, let down to within reach of the executioner, who tore his palpitating heart from his bosom, and threw it upon the scaffold; he then stuck it upon a knife, and exhibited it from different parts of the stage to the people, exclaiming, Here is the heart of a traitor! after which, with his bowels, it was thrown into a fire prepared for the purpose; his body was quartered, and the parts affixed at St. Andrews, Glasgow, Leith, and Bruntisland.

Dispersed and dejected, all the presbyterian ministers had declined the perilous service of the fields, and excepting those who had left the country, they had in one shape or other receded from the covenant, and had measures of even moderate severity been adopted, there seems little doubt but that the generality would have complied, and probably with the race the profession would have been extinct in Scotland; but as their numbers diminished, the malignity of their persecutors increased, whose fury as it became more concentrated, burned more intensely. Donald Cargill, alone remained as the public representative of the cause of the covenant, and as the last weapon he could wield in its defence, he proceeded to take the extraordinary step of excommunicating the most notorious of those who had now apostatized, not only from it, but from religion itself. After sermon, at Torwood in Stirlingshire, celebrated as one of Wallace's favourite retreats, about the latter end of September, he proceeded to pronounce sentence against the king, Lauderdale, Dalziel, and the lord advocate, the whole of whom had most solemnly signed the national

bonds, and were now the active persecutors of those who refused to violate the same oaths, and as such were fairly liable to this discipline, from the only remnant who held fast their profession, although perhaps, it was carrying it too far to include the dukes of York and Monmouth, neither of whom had ever joined the presbyterian church.

Whatever may be thought now of the transaction, the impression it made at the time was deep and indelible, not only on those who outbraved the blast of persecution, but on those, who, more secretly, cherished their dissatisfaction, and bent to the storm, till the hour of effectual assistance arrived, it redoubled the rage of the apostates, but it seems pretty well attested, that although they affected to despise, yet some of the boldest felt a superstitious dread of the transaction disturb their hours of revelry, and in their last moments aggravate the horrors of death.

York, to escape the attacks of the English parliament, again sought refuge in Scotland, where he arrived with his dutchess, in October, and took upon himself the direction of the government. Lauderdale, incapacitated for business, having resigned, or being deprived, the secretaryship was given to the earl of Moray, and a motely administration was made up of a selection from the different political partisans, but the persecution of the covenanters continued with even increased virulence, and the suspected were now first punished, not for their actions only, but for their private opinions, which torture was employed to expiate. Actuated by the same Jesuitical spirit, the sports of the boys became big with sedition : the students at Edinburgh college had burned an effigy of the pope ; and those at Glasgow, had assumed the anti-popery badge of the blue ribbon, but as those who had officiated in degrading the “image of the beast” were deemed the more culpable, several of them were imprisoned, and the college shut up for the riot. This exasperated the “collegians,” the majority of whom were noblemen and gentlemen’s sons, whose fathers had conformed, and they threatened to burn the provost’s house, because he had not protected the rights of the university, of which the magistrates were the patrons. In the midst of the fracas, Priestfield, his lordship’s house, about seven miles from town, was actually burned, and

although no discovery was made, the classes were ordered to be dispersed, and the students forbid to come within fifteen miles of the city.

During this horrible period, the records of the justiciary bear ample testimony to the villainous subserviency of that detestable tribunal. Sir George M'Kenzie, who is deservedly held infamous for his peculiar aptitude to every deed of legal murder and oppression, introduced about this time a practice subversive of all justice, and which, were it tolerated, would render juries in a majority of cases, as they were with hardly an exception from this date till the revolution, the mere echoes of the public accuser. Before they retired, he threatened them with a process of error if they made an improper return, and in numerous instances extorted a reluctant verdict, from an unconvinced, but overawed assize. Perhaps no trial of the time places the complicated iniquity of the ruling party in a stronger point of view, than that of two poor young women, Isobel Alison of Perth, and Marion Harvey, a maid-servant in Borrowstounness. The one was apprehended only for making some remarks on the severity of the persecutors, and the other was seized as she was walking quietly along the highway to attend a sermon. They were first examined before the privy council, and as it was no difficult matter, the two simple hearted girls were easily ensnared by the insidious questions put to them. They both acknowledged, the Sanquhar declaration, having heard Mr. Cargill preach, and having spoken with intercommuned persons. When brought before the justiciary, their confessions, to which they adhered, were the only evidence against them, and when one of the jury urged that there was no fact proved, the lord advocate passionately replied, that what they said was treason, and charged them to act according to law, otherwise, he knew what to do ! A verdict of guilty was brought in, and they were sentenced to die as traitors. They were hanged with some criminals for child murder, but they retained their composure, rejoicing that they suffered not as evil-doers. "I am not yet twenty," said Marion Harvey, just before being turned over, "and they can charge me with nothing but my judgment." \*

\* Fountainhall. Cloud of Witnesses.

Nine years had now elapsed since the supreme council of the nation had been convoked, during which interval, the people had groaned under an accumulation of every evil which misgovernment could inflict upon a nation—legal tyranny, perverted justice, domestic espionage, and military license—yet the interruption was not regretted, nor were any hopes of redress entertained from its assembling. Every successive parliament since the restoration—one, had forged additional fetters for the country, a dread of the monstrous statutes which themselves had enacted, and the overwhelming weight of the prerogative, which in the madness of their loyalty they had rendered irresistible, had so broken the spirit of the nobles, and crushed the patriotism of the commons, that a meeting of the estates was become a mere form for registering the royal edicts. But it was proposed to exclude James from the English throne, and it was deemed necessary to call a parliament to secure the Scottish, though were it not that we knew the occasion to have been so serious, we would be almost tempted to believe it was intended to burlesque representative assemblies. It sat down 28th July, 1681, and in the language of the day, was “a frequent meeting,” all ranks being anxious to pay homage to the king’s brother. The king in his letter gravely told his legislators, that “he ever judged his own interest and that of his subjects inseparable, and that his service could not be divided from their happiness!” The duke expressed his delight in having it in command from his majesty, to assure them that he would inviolably maintain and protect the protestant religion, allow no interruption of the law for security of his subjects’ properties and rights, and always discountenance all courses contrary thereto! And the parliament, in reply, declared “their great satisfaction in finding his majesty so much concerned for the protestant religion, not only in his gracious letter, but in the whole conduct of his government;” and told him, their anxious desires to serve him were excited “not more by his extraordinary kindness to those who have continued in their duty, than by his wonderful clemency to such as had fallen from it.”\* The proceedings were worthy of the com-

\* Cargill and four others were executed the day before the parliament met.

mencement. The first act ratified all former acts for settling and securing the liberty and freedom of the true kirk of God, and all acts against popery; the next went directly to overturn the whole fabric—asserting, that the royal power was derived from God alone; it recognized the lineal succession according to the proximity of blood, as a fundamental and unalterable law of the realm; it affirmed that no difference of religion, nor no act of parliament made, or to be made, could stop or hinder the nearest heirs from the free, full, and actual administration of the government, and declared it high treason to propose any alteration or limitation of the hereditary rights of the crown. It is somewhat amusing to observe the anxiety displayed to get the divine right and lineal succession established by act of parliament, while the same body is declared incompetent to alter or amend what they were called upon to confirm; but the recollection is pregnant with instruction—that within eight years the crown was forfeited, and the lineal heirs sent to wander as fugitives and vagabonds on the face of the earth, by a resolution of the same assembly, composed of nearly the same men.

Sensible of the incongruity of securing to a papist the possession of a crown, one of whose prerogatives it was to alter or change the religion of the state, some protection was required for the protestant faith, in the new exigence; this security James had promised, but in order to show some appearance of regard to his word, he had recourse to a Jesuitical expedient, more dishonourable than the breach of it would have been—the security was converted into a test of passive obedience, with a very loose clause respecting the protestant religion. When the latter obligation was required to be defined, Dalrymple, lord president, suggested that the Confession of Faith, drawn up in the infancy of James VI. should be imbodyed and sworn to; which being considered prelatical, was inserted accordingly, and hurried through the house without time being allowed for its consideration. The oath thus became a mass of contradiction and absurdity; with the same breath the subscriber swore to defend the protestant religion with his life and estate, and with the next to conform to whatever religion the king should choose to appoint—to

acknowledge, at the same time, the duties of passive obedience and of resistance, and to support exclusively, and in opposition to each other, presbytery and episcopacy. An oath containing propositions so opposite, and enforcing duties the performance of which was impracticable, necessarily involved perjury, and therefore, it was supposed, would never be administered; but the court satellites, were accustomed to, and regardless of oaths, and the duke being himself exempted, he was determined to push the advantage it gave him over the presbyterians, although at the expense of every moral principle, and of every tie which binds society together.

An immense majority of those who held public situations submitted to take the test, and Scotland presented the appalling sight of a government whose security was built upon a general dereliction of truth and sincerity. A number of the episcopalian clergy, to their honour, relinquished their livings rather than receive the test; the dissatisfaction was so general, that an explanation of the oath was published; and among the counsellors of state, some were allowed to take it with a partial explanation. The earl of Argyle would have relinquished his office rather than subscribe, but when pressed by the duke of York, he complied, subjoining an explanation of his own, "that as the parliament never meant to impose contradictory oaths, he took it as far as consistent with itself, and the protestant faith, but that he meant not to bind or preclude himself in his station, in a lawful manner, from wishing or endeavouring any alteration which he thought of advantage to the church or state, and not repugnant to the protestant religion and his loyalty; and this he understood to be a part of his oath." For this explanation, as containing treason, leasing, and perjury, he was brought to trial, and a jury of his peers was procured, base enough to find him guilty of the two first charges, but he contrived to make his escape from the castle as page to lady Sophia Lindsay, his stepdaughter, and assisted by Scott, minister of Hawick, and William Veitch, an ousted minister, eluded his pursuers and reached London, from whence, he procured a passage to the continent. He was condemned, forfeited, and degraded in absence, and it was even proposed in council, publicly to whip the noble young lady

through Edinburgh streets, for assisting her mother's husband to escape; so gallant were the Scottish cavaliers!

At home and abroad, this sentence excited universal detestation. The case was printed in London, and had a great effect in confirming the English patriots in their dread of a popish successor, whose tyrannical disposition had been displayed with such unmitigated virulence, against a nobleman, whose only crimes were his estates and his religion; “I am not acquainted,” said lord Halifax to the king, when he heard it, “with the laws of Scotland, but the law of England would not have hanged a dog for such an offence.” In Scotland, the consternation was universal, and the most obnoxious of those who had opposed the test, the earl of Loudon, Dalrymple of Stair, and Fletcher of Salton, retired to the continent, while others of the principal nobility rather resigned their heritable jurisdictions than receive it. After triumphing over the patriots in England, Charles permitted his brother to return to court, and was followed by a letter from the Scottish prelates to the archbishop of Canterbury, applauding his measures and his zeal, to which they attributed the stability of the episcopal church. Next year, [May 1682] the duke paid a final visit to Scotland, to arrange the government, and carry his family to London. On his passage, the Gloucester frigate, on board which he was, struck upon a sandbank near Yarmouth, and went to the bottom. He escaped with some of his favourites in a barge, and several others were picked up by the boats of the Mary yacht, that accompanied him. Bishop Burnet informs us, that in the shipwreck he showed more anxiety to save his priests and dogs, than the perishing passengers. He himself tells fully as apocryphal a story, though it has been quoted to discredit the other, that the sinking wretches, unmindful of their own danger, gave a shout when they saw him in safety! \* He left the administration with his confederated friends, Queensberry, created a marquis, treasurer; Perth, justice-general; and Aberdeen, late Gordon of Haddo, chancellor. Lauderdale scarcely heard of the alterations, broken down by intemperance, his body enfeebled by corpulence, and his mind

\* Life of King James VII. p. 710. Laing believes the king and discredits the bishop. I believe neither.

by disease, he died at Tunbridge, 24th August. “Discontent and age,” says Fountainhall, “were the chief ingredients of his death—if his dutchess and physitians were frie of it.” His influence, which had been sometime on the decline, did not outlive his faculties, and both were extinct before his dissolution; his last years of disease and disgrace were imbibited by the domestic tyranny of a woman, whose avarice stimulated him to plunder his country, and whose rapacity left only the shreds of his fortune to descend with the title of earl to his heir.

Every change in the administration only produced more aggravated suffering, and the rest of this “atrocious reign,” as it has been justly termed, exhibits only the naturally progressive enormities of despotism. As all the tenures of property were unsettled, and personal safety so very insecure, a number of Scottish noblemen and landholders had projected a settlement in Carolina; but when in London upon that business, they were induced, as a more desirable object, to enter into a confederacy with the English patriots, Russel and Sidney, for the purpose of forcibly procuring a redress of their grievances at home; and by means of Carstairs, afterwards king William’s confidential chaplain, they opened a communication with Argyle and the Scottish exiles. The discovery of a separate conspiracy among some subordinate agents, known by the name of the Rye-house Plot, rendered the whole scheme abortive, and proved the ruin of names dear to British freedom but the superior circumspection or good fortune of the suspected Scottish had preserved them from being directly implicated in the accusation. Sir Hugh Campbell of Cesnock was therefore arraigned for abetting Bothwell Bridge rebellion; but the witnesses who had been suborned to depone against him, could not endure the solemn adjuration of the venerable prisoner, and confessed they had never seen the man whose life they were brought there to swear away! It was necessary, however, that some public execution should attest the existence of a plot, about which strong suspicions were entertained. The torture of Spence, the earl of Argyle’s secretary, and of Carstairs,\* had afforded some imperfect knowledge of the correspondence with the exiles, and the hopes of pardon having induced the earl of

\* By the thumbkins.

Tarras to reveal what he knew, Baillie of Jerviswood, already in prison, was pitched upon as the victim. Although in the last stage of a mortal disease, he was brought to the bar, and upon such evidence, so infamously obtained, and as notoriously defective, he was found guilty, and suffered the doom of a traitor. Yet the public prosecutor himself was constrained, in open court, to declare that he acted against his own conviction; and Jerviswood enjoyed the elevated satisfaction of publicly forgiving him. He was sentenced at nine, and executed at two o'clock of the same day, lest a natural death should have disappointed the malice of his persecutors. When resting in jail before he was led to the scaffold, being asked how he felt, his pale emaciated countenance lightened up as he replied, "never better, and in a few hours I will be well, beyond all conception." He was unable to ascend the ladder at the gibbet without assistance, and when he attempted to speak, the drums easily drowned his faint voice, but his printed speech was circulated with more effect. Government offered the mangled remains of the dead patriot to his relatives, if they would recall or suppress the document, but they had either the spirit to refuse, or the inability to comply, and his four quarters were "sodden," and sent to different parts of the country. \*

\* Mankind, by their universal suffrage, have delivered over to execration the assassin who, even at the risk of his own life, insidiously attempts the life of his fellow; but by some strange perversity of intellect, the cowardly villain, who, under cloak of law, commits without danger the lowest and vilest of assassinations, judicial murder, has found, and does find apologists to extenuate his conduct. Such are the attempts to smooth over the times of which we now treat, for the whole series of executions which followed at this period, for delinquencies, in which, by legal sophistry, men were arraigned and condemned as guilty of death for deeds, which neither the dictates of reason, nor the laws of God, nor of any well regulated realm, ever openly pronounced penal, and to find which capital, it was necessary to appeal to a perversion of fact which even the accusers knew to be false. Thus denied redress, the very fountains of justice polluted, was it at all to be wondered at, if the sturdiest of the people, those, who in defence of their loyalty were ever found the bravest, should resort to the same measures against domestic tyranny, which the whole strain of their education, the whole current of opinion, and the whole tide of popular approbation, taught them to esteem a paramount duty and a laudable heroism, a first law of nature, if exercised against foreign despotism? The abstract principle was the same, and in cases of desperation a hardy population do not stand upon punctilious distinctions.

Blood alone could not, however, satisfy a needy and rapacious, as well as a cruel and tyrannical faction, and fines, forfeitures, and every variety of extortion, were openly and unblushingly exercised. Gentlemen of rank and probity, accused on the most malicious informations, were convicted without legal evidence, on a strained interpretation of obsolete laws, and compelled to redeem their lives at the expense of their estates, or compound with some profligate minister of state, and procure a wretched reversion for their support from the miserable remains of their property. Terrified at the enormous sums levied for non-attendance, the men had in general returned to the church, but the ladies had hitherto been allowed a greater latitude, and remained at home unmolested; but the treasurer and the prelates proposed the question,—whether conforming husbands were liable for the absence of their wives? and the decision being referred to the king, that monarch so celebrated for his “gallantry,” pronounced that husbands were liable for their wives’ attendance, and the accumulation of penalties thus awarded against them, in many instances exhausted the property a hollow conformity was intended to preserve, and nearly two hundred thousand pounds sterling were exacted on this account alone!

True to their covenants, while all else was sullen discontent, and heartless impatience, the Cameronians, or society men, alone refused to do homage to the wasting scourge that desolated the land, and renewed their testimony against them at Lanark. They saw the truth of Argyle’s remark, “that if they went along with these men in part, and did not in all things, they would suffer; and, that if they went not at all with them, they could but suffer,” and they chose the latter alternative—but their sufferings were intense. Expelled from their homes, they were driven to hide in dens, and in caves of the earth; to wander naked and starving, in the sterile, or remote parts of the country; skulking in woods, or among mosses, or on the hills, without any certain dwelling-place; exposed to every extremity of climate, in the depth of winter, as well as in heat of summer, they made the heather their bed and the rock their pillow, and their only covering the canopy

of heaven; debarred from the charities of life, their presence was deemed pestilential, and their nearest relative dared not exchange an expression of kindness with them, but at the peril of their lives; they were hunted by the soldiers, like partridges on the mountains, and shot without inquiry, and without account; they were traced by the sleigh-hound, and whenever they made their appearance, the hue and cry was raised against them; they were surrounded by spies, apostate renegadoes, and prelatrical intelligencers, who shared the rewards, or gratified their resentments by the apprehension, captivity, or death, of the suffering wanderers.

Pursued like the wild beasts of the forest, it would not have been surprising if, in a frantic agony of despair, they had turned upon their hunters, and retaliated without mercy. If the enormous wrongs they endured had been met by the most deadly acts of revenge; nor can their endurance be accounted for,—for they were brave, determined, and inured to peril and fatigue,—except by the general and commanding operation of their religious principles in the most trying situations, and these they expressed in the preamble to an act which owes its doubtful propriety more to the inequality of numbers, and the hopelessness of the expedient, than from its being opposed either to the law of nature, or the law of nations. They published a new manifesto against their oppressors. It is generally known by the name of the “Apologetical Declaration.” While they expressed “their detestation and abhorrence of that hellish principle of killing all who differed from them in judgment, or persuasion,” they avowed their determination to treat as enemies to God and his covenanted work, all such as openly shed their blood, or by secret intelligence sought to promote their utter extirpation; and they admonished informers to beware how they in future proceeded in their voluntary endeavours to discover them to their enemies, for by such causes they would endanger both their souls and bodies. “Therefore,” add they, “expect to be dealt with as ye deal with us, so far as our power can reach; not because we are acted by a sinful spirit of revenge, for private and personal injuries, but mainly because by our fall, reformation suffers damage.” This declaration was af-

fixed upon many of the market crosses and church doors, and produced a strong sensation throughout the country.

A warning from such men was not to be treated with contempt, and to a certain extent it answered the end proposed, by terrifying some of the most active informers, and inducing some of the most virulent of the persecuting curates to shift their quarters; it, however, proportionally raised the fury of the council; and soon after the murder of two soldiers, of the guard, by persons who were never discovered, produced a proclamation, authorizing a general massacre of the party to whom the declaration was attributed. “ Any person who owned or did not disown the declaration upon oath, whether they had arms or not, were immediately to be put to death, in presence of two witnesses;” and the army were instructed to carry into effect this inhuman decree, with circumstances of additional barbarity; they were authorized to call courts, and if any were absent after being summoned, their houses were to be burned, and their goods confiscated; and all those above twelve years of age in the families of such as were condemned, or executed, were to be seized, and sold as slaves to the plantations. Nor was the execution inferior to the spirit of their sanguinary orders, and the emphatic expression of “ killing time,” used by the peasantry to distinguish this season of cruelty, marks its peculiarity and extent.

Scenes of increasing rigour ushered in the year one thousand six hundred and eighty-five, though a momentary pause was occasioned by the death of the king. Charles, when he had attained the highest object of his ambition, to reign without the intervention of parliament, felt that he had not procured the enjoyment he sought. His degrading dependance upon France was rendered as uneasy as it was impolitic, by the tardy carelessness with which his royal brother paid him the wages of his infamy; and the servile flattery and obsequious attention which crowded his brother’s levees, contrasted with the solitariness of his own court, drove him to seek amusement in his women’s apartments, where it is said the intrigues and insinuation of the dutchess of Portsmouth had awakened symptoms of tenderness to Monmouth, whose recall was projected, and which, according to the reports of the day,

was to be accompanied by a total change of measures:—the unpopular ministers were to be dismissed; the parliament assembled; James to be sent to Scotland; and his majesty was to throw himself entirely on the affections of his English subjects. Whatever truth there might be in these rumours, a sudden stroke of apoplexy put an end to all speculation, and carried off Charles, at the age of fifty-four. His brother, who was maliciously reported to have hastened his departure, more certainly endeavoured to render it consistent:—he procured Huddleston, the Roman catholic priest, who had preserved his life after Worcester, to administer the last rites of that religion, and introduced him as having now to perform a greater service to his majesty than he did then, having to save his soul! The king was rather calmer after he had received the mass; and towards evening, with anticipating sadness, he desired his attendants to open the window-shutters, “that he might once more behold the light!” almost the last collected sentence he uttered: next day he expired without a struggle.

Worthless as a man, Charles was detestable as a sovereign; his private character was unadorned by any active virtue, and his public conduct possessed not even the wretched relief of splendid crime. Beneath a plausible exterior, he was selfish, unfeeling, faithless, cruel, and revengeful. The good nature for which he was praised evaporated among parasites and prostitutes, and his good breeding was admirably adapted for the associates of his pleasures:—when irritated, he could be rude, insulting, and vulgar; when facetious, he was not unfrequently blasphemous or obscene. He neither patronized learning, nor encouraged the arts; nor is his name associated in the annals of Britain with any useful or ornamental institution. For his government of Scotland, it would be difficult to find a parallel, except in the worst reigns of the worst of the Cesars; it was one continued act of revolting, flagitious tyranny, unprincipled and unsparing in its rapacity, insulting and more than usually barbarous in its bloodshed, whose delight was to torture and to punish after it had reviled and pillaged its victims. That the episcopalian form of church government should have been the instrument of

authorizing and urging on the atrocities of such an administration, is, perhaps, no great matter of astonishment,—any religious establishment may be abused,—but that Scottishmen and presbyterians should have viewed with antipathy and horror a hierarchy thus distinguished in their native land, is as little to be wondered at.

### JAMES VII.

IMMEDIATELY upon the decease of his brother, James called the privy council, and assured them of his royal intention to defend the established church, and as he would never depart from his own just prerogative, he would go as far as any man in preserving the rights and liberties of the nation. His accession was announced to the Scots in a more unambiguous production. A proclamation framed at London was published at the Cross of Edinburgh on the tenth of February, one thousand six hundred and eighty-five; and in this uncommon document, not only was the right of James to the crown, by lawful and undoubted succession and descent declared, but his supreme sovereign authority acknowledged, and the privy council, with the concurrence of several other lords, spiritual and temporal, barons and burgesses of the realm, with uplifted hands, made oath “humbly to obey, dutifullly and faithfully to serve, maintain, and defend, with their lives and fortunes, his sacred majesty, as their only righteous king and sovereign, over all persons, and in all causes, and as holding his imperial crown from God alone.” But the coronation oath was declined by James, as unnecessary, or lest it should seem to import, that he in any manner derived his power from the consent of the people, a circumstance which was afterwards employed to justify the sentence of forfeiture against him. At the time, however, it passed unnoticed, except by the Wanderers, the dominant party being equally servile in both kingdoms. In absolute prostration of manly sentiment, the Scottish nobles and officers of state vied with the English courtiers, and the addresses of their corporations, at the head of which stood Edinburgh, might have borne a comparison with Oxford itself.

No change of any consequence took place in the civil or military department, only Drumlanrig, Queensberry's heir, having been sent to London with the council's congratulatory letter to the king, his father, with the common fidelity of courtiers, procured the recall of lord Livingston, his friend Linlithgow's son, in order that his own might succeed him as captain of his majesty's body guard. An indemnity was published, but the numerous exceptions rendered it merely so in form. The field murders, which had never wholly intermitted, now multiplied: to have been found upon the road with a Bible in their possession, or discovered in the act of prayer, or going to, or coming from hearing sermon, were evidence sufficient to convict the delinquents of treason, or if these suspicious circumstances were deemed scarcely justifiable grounds of condemnation, the oaths were tendered, and the refusal was punished by instant death, sometimes with, and oftener without the mock formality of calling a military jury; nor did females escape—in Wigtonshire, a woman of sixty, and a girl of eighteen, were drowned for this negative crime. The instances of barbarous outrage on record are too numerous to be noted here, and it may easily be supposed, in a country where the execution of injurious and contradictory laws and orders in council, were intrusted to a soldiery composed of the most worthless class of the community, and commanded by men, who considered themselves loyal in proportion as they were outrageous, unmerciful, and profane, that many acts of the most horrible description were perpetrated, of which no record remains. The names, however, of Grierson of Lag, Urquhart of Meldrum, Johnston of Westerraw, Douglas, Queensberry's brother, and above all, Graham of Claverhouse, have been handed down to execration for their cold-blooded assassinations of unarmed unresisting individuals.

Before assembling the English parliament, James, in order to present them with an example of dutiful obedience, directed the Scottish to meet at Edinburgh, early in April, and appointed Queensberry, whom he had summoned to London, to receive instructions, to act as commissioner. In his letter, he informed them of the honour he had done them, and expected their compliance, more as a means of securing their

own safety, than of extending his prerogative, and recommended "that nothing should be wanting to secure themselves from the outrage and violence of the fanatics in time coming."

The topics of his majesty's letter, were enlarged upon by the commissioner and chancellor; nor was their adulation to the prince, more extravagant, than their invectives against the presbyterians, "desperate, fanatical, and irreconcilable wretches, of such monstrous principles and practices, as past ages never heard, nor those to come will hardly believe." The commissioner was particularly earnest in assuring his auditors of the king's princely resolution, "to maintain the religion and government of the church, as established by law, of his great care for the persons and concerns of the regular clergy, and of his royal desire to encourage trade, and promote whatever would conduce to the prosperity and welfare of his ancient kingdom;" in return, he only asked them for "the extirpation of the fanatical party," to assert the rights and prerogatives of the crown, to establish the revenue as amply upon his present majesty, as it was enjoyed by the late "incomparable" king.

As every nonconformist was excluded by the test, this assembly presented a model of an episcopalian parliament, in the purest excellence it ever attained in Scotland, and forms an admirable contrast to that of 1649, which has ever been esteemed the fairest exemplar of presbyterian legislation. In their answer of condolence and congratulation, they informed his majesty, that they lamented the death of their excellent monarch, with all the degrees of grief consistent with their great joy, for the accession of a prince, who not only contained, but secured the happiness, which his wisdom, justice, and clemency had procured; and promised to be so exemplarily loyal, as to raise his honour and greatness to the utmost of their power, and "not to leave any thing undone for the extirpating all fanaticism;" nor did their subsequent proceedings dishonour their loyal commencement. After an introductory act confirming "all the acts and statutes formerly passed for the security and freedom of the true church of God, and the protestant religion," "they declared to the world their abhorrence of all principles derogatory to the king's sacred, supreme, sovereign, absolute power, and authority,

which none," such is their language, "whether persons or collective bodies can participate of, in any manner of way, or upon any pretext, but in dependance on him, and by commission from him," renewed "their hearty and sincere offer of their lives and fortunes, "placed at his disposal, the whole male population between sixteen and sixty, armed and provided, and annexed the excise for ever to the crown. Bills were passed to legalise by *ex post facto* enactments, the most severe and unjustifiable acts of the privy council, and the not less iniquitous sentences of the court of justiciary. An ample, unqualified indemnity was voted for all the officers of the crown, civil or military, for all the violences they had committed, while they were authorized to new and enormous stretches of their already exorbitant powers. By other acts, the legal definition of treason was extended; the punishment of death, and confiscation were already the consequences of being detected preaching the gospel in the fields. Hearing was now subjected to the like penalty, expounding the scriptures, or worshipping God in a private house, if there were five persons more than the members of the family present, was also included, and the minister's doom was the gibbet. To acknowledge the obligation of the covenants, or write in their defence, was capital, while the test was enforced under arbitrary pecuniary mulcts: next followed the forfeiture of Sir Patrick Hume, lord Melville, Pringle of Torwoodlee, Stewart of Coltness, Fletcher of Salton, and several other gentlemen, implicated in the late conspiracy; and to fill up the measure of injustice towards Cessnock, he and his son were brought before parliament. Knowing the hopelessness of attempting any defence, they threw themselves on the royal mercy, and were in consequence only deprived of their estates, and sent to the Bass.

The annexation of the forfeitures for ever to the crown, appears to have alarmed the ruling party themselves, and originated a measure to obtain obliquely, that security for their estates, from the rapacity of future servants of the crown. "To save themselves from ruin," a late historian observes, "they sought an indirect expedient to elude the iniquitous laws and corrupt practices, they were too dependant to

reject or to resist. Entails had been already introduced in a few instances, but were reprobated, as repugnant to the genius of the laws. Corruption of blood, which obstructs the course of succession, was a penalty never incurred as the consequence of attainder, unless it were inflicted by an act of dishabilitation; and the estates relying secretly on the maxim, that nothing more could be forfeited, than the person attainted was entitled to alienate—passed an act by which lands might be entailed to posterity, and the rights of an endless series of heirs, be reduced almost to an usufructuary interest during their lives." Under pretext of securing their estates from alienation for debts, the nobility undoubtedly expected to preserve their families, in the event of an attainder, from the forfeiture of more than the life-rent interest, or escheat of an heir. The commissioner consented to the act, to perpetuate his own acquisitions to his family, and from the tyranny of James entails were introduced into Scotland, when the reign of the feudal system had almost expired. But as if to perpetuate the villainous morality of the times, in order to preserve the estates of the noble families, the just claims of the honest creditors were legally set aside.

While this base abject assemblage were rivetting as far as in their power the fetters of the country, the exiles rendered hopeless of any change by the death of Charles, wereconcerting the means for relieving their afflicted country by force of arms, but accounts of the preparations going forward in Holland, had reached Scotland early in spring, and measures were taken to defeat any such attempt; the strengths in Argyleshire were dismantled, the chief heritors, summoned to Edinburgh, were detained as hostages, and the others ordered to find security for their good behaviour. When the news of the sailing of the expedition arrived, all the relatives of the leaders were imprisoned, and all the prisoners in the neighbourhood of the capital were marched to Dunnoter castle, where numbers of both sexes, confined together in a loathsome dungeon, perished by disease, contracted by want of the common necessities of life and the means of cleanliness.

Argyle left Vlie on the 2d of May, and in three days reached Orkney, where, unfortunately his secretary and

physician having gone on shore at Kirkwall, for what reason it is difficult to ascertain, were seized by the bishop, and sent to Edinburgh with certain accounts of the extent of the armament and the direction of its course. The country was in consequence alarmed and prepared, but the communication of the invaders with the sufferers at home had been so imperfect that no co-operation could be reasonably expected; what perhaps was the worst feature in the whole, dissensions had already broken out among the leaders before they left Holland; there was among them no commanding mind, and no well digested plan concerted, which possessed their confidence and concurrence.

Having landed his son to rear the fiery cross, he sailed for Campbelton, where he published his declaration, which produced no effect upon the inhabitants, but occasioned a decided difference as to the mode of their future procedure between the earl and his companions. Sir Patrick Hume, and Sir John Cochrane, from the encouraging accounts they had received, were for proceeding to the Lowlands, especially as they alleged the people there would engage from affection to the cause, whereas the Highlanders would only be induced to follow from attachment to their chief; but Argyle adhered to his own predilection for the mountains, expecting there an accession of strength that would enable him to descend with overpowering effect into the low country, and though deceived in his expectations, hesitated and lingered in Kintyre till the government forces under Athole, Gordon, and Dumbarton, had cut him off from all communication with the disaffected in other parts of the country, prevented his advance, and even his escape. His military stores and shipping fell into the hands of some English frigates, who, after taking possession of the castle of Ellingreg, where they had been placed for safety, proceeded to blockade the mouth of the Clyde. Argyle now determined to fight the enemy wherever he could find them, and attempt at least, by one desperate effort, to rescue himself from the toils, but his officers opposed: he then proposed to march to Glasgow; and after having spent five weeks in wretched disunion, the hapless remains of the ill-fated expedition, crossed the water of Leven at night, [June 16th,]

three miles above Dumbarton; next night it was agreed in a council of war to try to attempt passing the enemy, but misled by their guides, they wandered among the moors, lost their baggage in morasses, and next morning when they endeavoured to collect at Kilpatrick, they could not muster more than five hundred men; every hope of success being now at an end, the party separated. Argyle in the disguise of a countryman was wounded and taken prisoner, at the ford of Inchannon, when falling, the exclamation, “unfortunate Argyle!” discovered his rank, and awakened the sympathy of his captors, who regretted, but durst not release him. He was conducted with every circumstance of studied ignominy to the castle of Edinburgh, and after being examined under a threat of torture by the privy council, was by order of the king executed within three days, and to prevent any delay, he underwent no new trial, but suffered on the former sentence.

Sir Patrick Hume, Sir John Cochrane, and a small company crossed the Clyde at Erskine House, the owner of which had prepared a refreshment for the king's troops, of which they very opportunely reaped the advantage; they were however, quickly pursued by the militia, with whom they had a smart engagement, and gave them a seasonable check before they dispersed. Sir Patrick Hume escaped to Holland, to return again in more propitious times; Sir John Cochrane was taken prisoner, and sent to London. Rumbold, an Englishman, one of the Rye-house conspirators, and Archer, a clergyman, who were both wounded, were executed; yet the blood shed on account of the invasion was by no means in proportion to what might have been expected from so sanguinary a government. But Athole indulged his private revenge on the vassals of Argyle, and even purposed to hang his son, when sick of a fever, at Inveraray castle gate.

Monmouth's attempt was still more unfortunate than that of Argyle, but the executions which followed filled England with horror, and from the defeat of these two premature and ill-conducted enterprises, may be dated the commencement of James' downfall. Considering himself now freed from the necessity of either caution or concealment, he pushed forward

his measures with a precipitancy which united against him, men of all ranks, and of every profession, who were not prepared at once to surrender their freedom, and sacrifice their religion. Scotland seemed entirely subservient to his will, but a spirit of resistance was brooding, of which the king had little suspicion; and the scenes taking place in France, in consequence of the revocation of the edict of Nantz, which made Europe resound with tales of horror and blood, for which we hardly find a parallel in the years of anarchy and terror that signalized the philosophical revolution, gave renovated strength to all the jealousy and dread with which the nation had ever viewed the ascendancy of popery. The English parliament which had refused to be subservient to the king, in overturning the securities of the protestant faith, was dissolved in anger, and a Scottish one was again summoned to show a new example of submission; but previous to its meeting the administration was placed entirely in the hands of papists, at the head of which, were Perth, Melfort his brother, and Moray, three new converts to popery; and Queensberry was turned out of office to lament that he had sacrificed his country in vain, as he would not also desert his religion. Crowds of priests flocked to Scotland; a college of Jesuits was planted in Holyrood, and the chapel was appropriated to their use; and because a mob had testified rather rudely their detestation of mass, by insulting those who attended it, two were executed, and three were publicly whipped through the Canongate.

These proceedings caused no small sensation, and the episcopalian began to perceive that, however, pleasant to force a presbyterian conscience, it might by no means be equally agreeable to have the same method of persuasion employed towards themselves. When the parliament, the last James ever called, met [April 29th, 1686,] his majesty's letter recommended, and Moray his commissioner enforced a repeal of the penal laws against the Roman catholics; but to his astonishment, instead of as formerly echoing the royal sentiments, they replied "they would take the same into their serious and dutiful consideration, and go as great lengths therein as their conscience would allow;" nor could promises

of free trade with England, or of the king's favour, induce them to go further, and after a protracted session, they too were passionately dismissed. What the parliament refused, the king by his royal prerogative granted; by his dispensing power he forbade the execution of all the laws against the Roman catholics, to whom he allowed the free exercise of their religion in secret, and the royal chapel for its public celebration. To render this more palatable, he granted a partial indulgence to the moderate presbyterians and quakers, which, without satisfying them, enraged the episcopalians, and he afterwards found it expedient to issue a free indulgence for all nonconformists, and repeal by his own absolute prerogative the sanguinary laws by which they had been so long oppressed. But the object was too evident to excite much gratitude, for the Cameronians were still the objects of James' unmitigated hatred, and Renwick, one of their ministers, and the last of the martyrs, was executed the very year of the revolution. While the moderate presbyterians, however, availed themselves of their precarious liberty, they anxiously looked forward to some better order of things by which its continuance might be ensured; even those who consented to thank his majesty for his favour, expressed no approbation of the power from whence it originated, which they as little approved of as the cause; but they improved their breathing time in strengthening their interests, and the return of the exiled ministers from Holland brought intimations, if not positive assurances, of the sympathy of the prince of Orange in their sufferings, his suspicions of the present temporary calm, and his willingness to assist in restoring the constitution, and establishing the liberty of the country.

Both kingdoms were in a state of ominous sullen quietude, when the resistance of the English bishops, as grateful as unlooked for, occurred, and the trial of seven of their number hastened the crisis. But the birth of a son, the object of pilgrimages and vows, which James considered as fixing the stability of his throne, effectually subverted it. While the king remained without male heirs, the people appeared inclined to wait for the peaceable succession of the prince of Orange, and he did not appear willing to sacrifice the certain prospect, for

any doubtful or premature attempt; but that prospect being destroyed, and the times peculiarly favourable, William, who had long carried on a cautious, though intimate correspondence with the malecontents, determined to embrace the opportunity of rescuing Britain from a popish tyranny, and a degrading subservience to the designs of France. So prudent, however, had been the conduct of the prince, aided by the involved situation of Europe, and so infatuated had James been, not only in his measures, but in his confidential servants, that the first certain intelligence of the expedition destined to dethrone him, came as unexpectedly upon him as a thunderbolt.

On the 19th of October, 1688, William, prince of Orange, set sail from Helvoetsluys. His fleet consisted of sixty-five ships of war, and more than five hundred transports, carrying upwards of fifteen thousand troops, with spare arms for twenty thousand men. At sunset, a dreadful hurricane arose, and the horrors of the tempest were augmented by the darkness of the night, the terrors of a lee-shore, the number of the vessels, and the crowd of landsmen. In a few hours, the whole fleet was dispersed, and when morning dawned, scarcely two ships could be seen in company, after vainly struggling with the storm. On the third day, the prince returned to port, with only four ships of war and forty transports; but in a few days the armament re-assembled, and the damages being quickly repaired, William finally left the shores of Holland, on the 1st of November, with a fair wind, amid the sounds of martial music, the thundering of artillery, and accompanied by the benedictions and hopes of his countrymen. While the English fleet lay windbound at Harwich, the Dutch, with a strong easterly breeze, passed through the straits of Dover, in the view of both coasts, covered with innumerable spectators, who gazed with astonishment and awe at the imposing grandeur of the spectacle. Sabbath, the fourth, and his birthday, the prince spent in devotion. On the fifth, the anniversary of the gunpowder plot, he landed safely at Torbay, and ordered the day to be spent as a day of thanksgiving throughout the fleet and army. James, who had received the tidings of the storm and dispersion of the fleet as a message from heaven, when the expedition actually landed, spent only a few days in pusil-

lanious irresolution, till deserted by all upon whom he relied, he himself in despair fled to France, and left his throne without a struggle to his opponent. Under the influence of his first alarm, James, in opposition to the wishes of his friends,\* had ordered the march of all the Scottish troops to join his English army, and with the departure of the military, the authority of the privy council ceased. The declaration of the prince for Scotland was received with enthusiasm, and proclaimed at Irvine, Ayr, and Glasgow, and the revolution effected with a celerity that appeared to deprive the members of the late government of all power of action. An alarm politically spread, that the Irish had landed and commenced a massacre of the protestants, was the signal for the presbyterians appearing in arms, who, finding no foreign enemy, wreaked their vengeance on their domestic tyrants; but it affords matter of high praise, that in the hour of triumph and retaliation, though the episcopalian clergy were insulted, stripped of their gowns and expelled from their cures, not one of them was put to death. The Roman catholic counsellors, terrified at the overturn, quitted their posts, and the administration devolved for the time upon the inferior officers of state, as all the leading members of all the parties had flocked to England to watch over their separate interests.

At a meeting of the nobility and gentry in London, [January 10th, 1689,] of which the duke of Hamilton was president, an address was signed and presented by that nobleman and eighty gentlemen, requesting the prince of Orange to assume the government and summon a convention of estates, which, in order that the settlement in England might be first completed, was fixed for the 16th of March. With this he complied, and the interval was actively employed in preparation by the parties. As none but papists were excluded from their legal vote, and the election of the burghs was by a poll of the free-men, the presbyterians secured a majority for William, though a number of the nobility and the whole of the bishops still

\* They proposed by a junction with the militia and detachments from the Highlands, to have kept an effective army of thirteen thousand men on the border, to overawe the country, and afford a point of retreat for the royalists, in case of disaster.—King James' Memoirs, vol. i. p. 387.

clung to the cause of the fugitive monarch. They calculated upon the duke of Gordon, who retained the castle of Edinburgh, united with Graham of Claverhouse, now viscount Dundee, who had introduced into the town a troop of horse, being able to intimidate or dislodge the convention. Their opponents relied upon the more zealous aid of the Cameronians for protection. When the convention met, their first vote for Hamilton, as president, decided the superiority of the presbyterians, and Dundee retired in disgust, proposing to hold a separate meeting of the late king's friends. On passing the castle he halted, and had a conference with the duke at the postern-gate, from which the presbyterians expecting some hostile assault, ordered the militia to be embodied, and placed under proper officers; the Cameronians at a word, raised a regiment of eight hundred men, Argyle brought 300 Highlanders; and the arrival of three regiments of Scots, who had been in the Dutch service, under general Mackay, completely secured the convention.

Two letters, from James and William, were then presented, the first was laid aside, while they acknowledged in a grateful answer to the prince, their sense of their deliverance, and proceeded to vote, "That James VII. being a professed papist, did assume the royal power, and acted as king, without ever taking the oath required by law, and had, by the advice of evil and wicked counsellors, invaded the fundamental constitution of the kingdom, and altered it from a legal limited monarchy, to an arbitrary despotic power, and hath subverted the same, to the subversion of the protestant religion, and the violation of the laws and liberties of the kingdom, whereby he forfaulted his right to the crown, and his throne has become vacant." They next resolved to tender the crown to William and Mary, embodying as a constitutional charter, their claim of rights. In this memorable instrument, it was asserted, "That according to the laws of the kingdom, no papist could ascend the throne. That all proclamations assuming an absolute power to suspend or dispense with the laws, were illegal. That the measures employed to establish popery, the imposing of bonds or oaths, and the exacting of money without the authority of parliament, were contrary to

law. That it was illegal to invest the officers of the army with judicial powers; to inflict death without trial, jury, or record; to exact exorbitant fines or bail; to imprison without expressing the reason, or to delay the trial; to prosecute and procure the forfeiture of persons, upon stretches of old and obsolete laws; to nominate the magistrates and common council of burghs; to dictate the proceedings of courts of justice; to employ torture without evidence in ordinary crimes, or to oblige the subjects to accuse, or to swear against themselves; to garrison private houses, and to introduce an hostile army into the country to live at free quarters in profound peace; that it was illegal to consider persons as guilty of treason, for refusing to discover their private sentiments respecting the treasonable doctrines or actions of others. Prelacy and precedence in ecclesiastical office, were declared to be repugnant to the genius of the nation, and an insupportable grievance which ought to be abolished. The rights of appeal to parliament, and of petition to the throne, were unconditionally asserted; frequent parliaments were demanded, and these articles the estates asserted and challenged, as their undoubted rights, against which no declaration or precedent ought to operate to the prejudice of the people." The committee of articles, the act of supremacy, and the regulation of the popular representation, were grievances reserved for the consideration of parliament.

On the eleventh of April, one thousand six hundred and eighty-nine,

### WILLIAM AND MARY

were proclaimed, and Argyle, Sir James Montgomery, and Sir John Dalrymple, sent to London, to present them with the Scottish crown, and administer the coronation oath. To the claim of rights, and the redress of grievances, the king made no objection; but he hesitated about subscribing the oath, which enjoined the "rooting out of heretics," till assured, that it did not bind him to persecute. The new administration was formed of those who had promoted the revolution, yet not exclusively of presbyterians. The duke of Hamilton was

appointed commissioner, and the earl of Crawford president of the parliament, lord Melville sole secretary of state. The presidency of the court of session, was given to Sir James Dalrymple, created viscount Stair, and the lord advocateship to his son, Sir John; but the confidence of William was chiefly enjoyed by his chaplain, Carstairs, by whose advice, he generally managed the affairs of Scotland. Following the example of England, the convention was transmuted into a parliament, which retaining its power during the whole reign, presented in its turn, a precedent for the prolongation of the [British,] from three to seven years' duration. Its proceedings were tumultuous, the king not being able to gratify, by employing, all who had pretensions. The adherents of James, distinguished by the name of Jacobites, courted the alliance of the discontented, and endeavoured to thwart the operations of government, by their vexatious opposition, as well as to overturn it by their secret plots; while Dundee, emulous of the fame of Montrose, excited in the Highlands a more dangerous insurrection.

Intercepted letters from lord Melfort, promising assistance from Ireland, discovered his plan, and the merciless revenge that was projected. The Highlanders were easily induced to join his standard, by the hopes of plunder, which they no sooner obtained, than with the fickleness of savages, they deserted to their mountains, to enjoy, or secure. Alone almost, in the wilds of Lochaber, he was joined by three hundred Irish recruits, and his former soldiers, disburdened of their spoil, returned to join in a new expedition. Hastening to relieve the castle of Blair, which held out against lord Murray, Athole's son, he learned the advance of Mackay from Dunkeld, with 3000 foot and two troops of horse, and awaited his approach upon an eminence, beyond the pass of Killycranky, with 2,500 men. Mackay, as he emerged from the defile, drew up his army in a single line, three men deep, without any reserve. Dundee ranged his forces in separate columns, according to their clans. Within an hour of sunset, [27th July,] the Highlanders descended to the attack, and having sustained bravely the enemies' fire, returned it, then threw away their muskets, and breaking furiously in upon

their line with broadsword and targe, threw them into instant and irretrievable confusion. Dundee charged at the head of the few horse he had, and Dunfermline, who acted as a volunteer, captured the cannon. The English horse were the first who ran, when Mackay, thus deserted, passed to the right, to attempt securing, by an orderly retreat, such of his regiments as remained unbroken; while Dundee perceiving the rout, rode up to lead on the Macdonalds to complete the victory; but when in the act of pointing out the way, a random shot struck him through an opening in his armour, and he was carried mortally wounded from the field.

The death of the victorious leader saved the defeated from entire destruction, of whom, notwithstanding, two thousand were killed or taken. While the Highlanders were engaged in plundering the baggage, Mackay escaped, and was able, in a few days, to surprise a detachment at Perth. Cannon, an Irishman, who succeeded Dundee, was unequal to the command. Afraid of the cavalry, he sought refuge among the hills, while his opponent was equally unwilling to lose the superiority of the plain. The Cameronian regiment decided the campaign. They were surprised and surrounded by the enemy in Dunkeld, and so hopeless appeared their situation, that they were abandoned by their own horse in despair; but intrenched in their houses and enclosures, and encouraged by the brave Cleland, who fell early in the day, they repulsed the assailants with such severe loss, that they retired to their homes disheartened, and did not resume the offensive till next year, when assembling in Strathmore, they were themselves surprised and finally dispersed. To restrain their future incursions, Mackay erected Fort William on the site of Cromwell's garrison of Inverlochy.

Defeated in the field, the Jacobites redoubled their efforts with the discontented, and concerted a wild scheme for uniting the presbyterians with the papists, in order to effect the restoration of James; but the plot being detected, and the conspirators pardoned, their last hopes were placed on parliament refusing to redress the popular grievances. The moderation of government disappointed them. The forfeitures and fines incurred during the late reigns were repealed, the

act of supremacy annulled, and presbytery established as the religion of the state. While William was thus endeavouring to conciliate the Lowlands, an attempt to purchase the friendship of the clans, was productive of a scene of cruelty, equalling any in the late reigns. The earl of Braidalbin, who had been intrusted with the distribution of the money, incurred a suspicion, that he meant to appropriate the whole to himself; and, at the same time, it was discovered that the chiefs had sought permission from James to capitulate, with a design of resuming their arms upon some fairer opportunity. A proclamation, requiring their submission before the end of the year, under pain of military execution, was issued in consequence, and all, except Macdonald of Glenco, took the oaths. He unfortunately lingered till the year had nearly expired, and then applied to the governor of Fort William, who not being a civil magistrate, referred him to the sheriff of Argyle. A severe snow storm prevented his reaching Inveraray, till the day after the appointed time; but the sheriff received his oath, and certified the cause of his delay. The despatch containing the important document was concealed from the king, till Dalrymple, the Scottish secretary, obtained an order, signed and countersigned, for the "extirpation of the thievish clan," which he accompanied with private instructions to the commander-in-chief, recommending the long and cold winter nights, as the fittest season for accomplishing the massacre, when the inhabitants could neither escape to the hills, or exist without shelter. Glenco, on the faith of his submission being accepted, had remained at home a month without dread, when in the middle of February, a party of soldiers from Fort William, arrived in the Glen. They came under pretence of collecting cess, and as Campbell of Glenlyon, whose niece was married to one of Glenco's sons, commanded, the party were received with affectionate kindness, and treated with the most unsuspecting hospitality. For a fortnight, Glenlyon lodged in the house, and sat daily at the board of his nephew; and they had spent at cards together, the very evening when the orders arrived, that not one male under seventy, should see the morning dawn! At midnight, the cry of murder arose, and the vale, which at the close of the day, had resounded with

mirth and conviviality, was disturbed with the groans of death, and the shrieks of despair. Glenco was shot as he rose from his bed; his wife was stripped naked by the soldiers, who tore the rings with their teeth from her fingers. At Glenlyon's quarters, ten men, among whom, was his landlord, were shot by his orders. Women perished with their infants in their arms, and about thirty-eight fell by the hands of their guests; those who remained, fled to the hills during a tremendous storm, whose violence had prevented the arrival of another band of murderers to close the passages. Next day, the carnage was succeeded by rapine and desolation. The cattle were driven away, and the cottages burned to the ground! The most odious part of this horrible transaction, does certainly belong to the deliberate, revengeful villainy of Dalrymple, who was trained in Lauderdale's school; but it is impossible to free William from the blame of having incautiously, at least, signed a warrant for military execution, without having sufficiently ascertained the necessity of the case; at least such was the general impression left, by an official, tardy examination of the business, that did not take place till three years after.

When the parliament assembled, which had been delayed, from unwillingness to inquire into the massacre, its only object appeared to be to raise money for the support of William's continental wars: in order to accelerate which, in the session 1695, the marquis of Tweedale, the king's commissioner, incautiously promised in his majesty's name to patronise and protect a Scottish trading company to Africa and the Indies, and an act was passed for its erection, with permission to establish colonies, towns, or forts, in places not inhabited or possessed by European powers, with an exemption from all duties for the space of twenty-one years. This scheme which originated with William Patterson, a man of genius and simplicity of character, the first projector of the bank of England, was highly plausible, and excited the most enthusiastic anticipations throughout the whole of Scotland. The isthmus of Darien was chosen for the settlement, a spot embracing facilities for uniting the commerce of Europe, Africa, and the two Indies, beyond any other that could have

been pitched upon. With a wise and liberal policy the colony was proposed to be made a free port, and shares were allowed to be held by those who did not reside in the country. The sum of four hundred thousand pounds was very speedily subscribed, of which three were procured in London alone in nine days. But the English East India Company agitated at once by national jealousy and by the spirit of monopoly, instantly caught the alarm, and the commercial policy of the Dutch was equally roused, while Spain more justly terrified at the idea of an active and enterprising colony placed in the heart of her richest possessions, presented a strong remonstrance against the enterprise. Whether the hostility of the latter power could have reduced the colony, may be doubted, but the ungenerous opposition of the former contributed materially to render the attempt abortive, though the main cause of its ruin was the character of the colonists; the higher ranks consisting of young men of birth, unfit to command, and too proud to obey; the lower orders of uninstructed and dissatisfied Highlanders, of the idle, unprincipled, and profligate, while the persons nominated as counsellors were little qualified for that situation.

The first expedition sailed from Leith roads, in July 1698, with 1200 men, of whom 300 were gentlemen; and on the 3d November, landed between Portobello and Carthagena, having taken possession of the country by the name of New Caledonia, and traced the foundations of their intended capital, New Edinburgh; their first object was to secure the friendship of neighbouring native tribes; their next to attempt establishing an amicable intercourse with the Spaniards, and to proclaim to the world the interesting fact of an European colony established on liberal principles, in trade, policy, and religion. Their privations began early, their supplies from home were precarious, and all the governors of the islands and plantations in America belonging to England prohibited any intercourse with them; they were put upon a short allowance of bad provisions, and tropical diseases breaking out, a spirit of insubordination arose, which the weakness and dissension of the council was unable to resist, and within eight months from the time they had taken possession, they evacuated

the settlement. A second and a third expedition was sent out, the last consisting of four ships, and containing 1300 men, sailed from Bute, 24th September, 1699, and reached Caledonia Bay, 30th September; but the same causes gave rise to similar results, and the Spaniards taking advantage of their weakness and dissensions, with a considerable force invested the place by sea and land, when the survivors made an honourable capitulation, which, however, does not appear to have been very religiously kept, and but few of them ever returned to their native land.

When the news of the final evacuation of Darien reached Scotland, the public mind was excited to a degree of frenzy, from the magnitude of the loss; and the Jacobites who had procured themselves to be chosen managers of the company, kept alive the indignation of the country, as a means of opposition to government; and the presbyterians who had embarked deeply in the concern, had their sense of pecuniary loss stimulated by their national pride or patriotism. An address to the king to assemble the parliament was passionately subscribed, but his majesty refused to give any order for this purpose, and the discontent increased so much, that the presbyterians and Jacobites for once were united under the same banners, and had prepared a resolution for supporting the colony as a national concern, when the meeting was adjourned; but the adjournment did not allay the ferment, and in the recess some of the most violent projects were agitated; as whether to assemble the parliament by force, or hold a convention of the estates at Perth, and as all their misfortunes were traced by the Scots to the want of the royal residence among them, the separation of the two crowns became a favourite topic of discussion.

But the personal ambition of Louis prevented his encouraging a scheme, that he professed to have so much at heart, and to procure the succession of Spain to his grandson, he persuaded James to wait with patience, till providence by the death of William, should put him in quiet possession of his throne. The time, however, was rapidly approaching when these rivals were both to quit the scene of their contention. James among the monks of *La Trappe*, presented a picture of the most

rigorous self-torment, till nature failed in the contest: upon his deathbed Louis gratified him by the declaration, that after his death he would acknowledge his son as king of Britain. William in his last message to the English house of commons, as the most effectual means for promoting the protestant succession in the three kingdoms, recommended a union with Scotland. But he was not destined to see it accomplished. His constitution not originally strong, had been considerably weakened by the constant anxiety and fatigue he had undergone, and a fall from horseback was succeeded by a fever and ague, under which he sank, March 8th, 1702, in the fifty-second year of his age, and the thirteenth of his reign.

His character as the undaunted deliverer of his native land from a foreign foe, and of Britain from domestic tyranny; as the champion of freedom and protestantism in Europe, must ever stand on the proudest eminence, and it is only when we view him as king of Scotland, that we are compelled to abate our admiration; yet his conduct there was perhaps more unfortunate than blamable, and the faults he committed originated from a principle which has been even considered as worthy of praise,—that kind of impartiality, which in revolutionary times employs and seeks to unite in one government, both the supporters and the opposers of a demolished despotism, which is almost always the source of certain wretchedness to the people, but of very uncertain stability to the throne.

### ANNE,

THE next protestant heiress, succeeded her brother-in-law, and immediately notified her accession to the Scottish privy council, in a letter continuing the present administration in office, and professing her intention to preserve the religion, laws, and liberties of the kingdom. The convention parliament had not only continued during the reign of William, but had also prolonged its power of meeting to within twenty days after his decease. It had been, however, irregularly prorogued beyond that time, and when it met, the duke of Hamilton, the head of the Jacobites, who had personally applied to the queen for its dissolution, protested against its

proceedings, as an illegal assembly, and seceded, accompanied by eighty members; the remainder, the majority, proceeded, notwithstanding, to business, ratified the acts in favour of the presbyterian constitution, and in pursuance of the late king's recommendation, appointed commissioners to meet with a deputation of the English parliament at Westminster, to treat for an incorporating Union of the two kingdoms. The introduction of a bill, by Marchmont the chancellor, for the incapacitation of the pretended prince of Wales, occasioned the prorogation of the parliament, which was soon after dissolved.

The new parliament met, 16th May, 1703. In the interval, a change of ministry had taken place, by the influence of Queensberry, and the Jacobites anticipated a complete triumph; but the influence of the presbyterians prevailed. It was declared high treason to attempt any alteration in the claim of rights, which extinguishing the hopes of episcopacy being restored, the Jacobites deserted the commissioner, and ever after counted with the opposition. The principal inducement held out to the Scots to adopt the Union, was a participation in the commercial advantages of England; but the contracted spirit of monopoly, strove to limit the favour; and the Scots, who imagined any compromise would lower the dignity, and surrender the independence of the nation, determined to provide for the honour of the ancient kingdom, by an "act of security," by which it was ordained, that in case of the queen's demise, the present parliament, if prorogued, or the last parliament, if dissolved, should meet within twenty days; and that no papist nor foreigner having a Scots title, unless possessed of an estate of twelve thousand pounds yearly within the kingdom, should sit, or vote in the same, which was to settle the succession to the crown, should it be left unsettled at her majesty's death; and that the same person should not hold both crowns, unless a full participation were given to the Scots in all the English commercial privileges, or the influence of Englishmen in their concerns prevented. All commissions were to expire with the sovereign, and the population fit to bear arms, to be assembled once a month for training. To this act, which was deemed equivalent to an act of separation, the queen refused to assent, and parliament in return, refused

to grant any supplies, while the general indignation rose so high, that an appeal to the sword was openly talked of.

Amid such confusion, the parliament was prorogued, and France, who never omitted any opportunity of harassing her neighbours, brought forward the claims of the late king's son. Simon Fraser of Lovat, who, at a late age, paid the forfeit of his multiplied crimes and intrigues, was first employed as an agent among the Highland clans; but his unprincipled intrigues with both parties at once, being discovered, the whole plan melted away, and its only consequence, was the removal of Queensberry from office, and Tweedale's appointment in his room; and in a parliament to which he was appointed commissioner, the obnoxious act was touched with the royal sceptre, the only conditions on which a supply could be obtained. This produced retaliatory measures on the part of the English, who were, or affected to be greatly alarmed, and every thing assumed the most warlike appearance. These mutual acts of irritation, rendered the necessity of the Union more apparent, and the queen, who evinced the utmost anxiety to accomplish what had been so often attempted in vain, reinstated Queensberry in office, and associated with him the young duke of Argyle as commissioner. With much adroitness, and after a violent struggle, the queen was empowered to nominate the commissioners on both sides, who met first, thirty-one in number for each, at the Cockpit, near Whitehall, London, 16th April, 1706; and in about two months, the articles were agreed upon, which should be laid before both the Scottish and English parliaments. They were in substance: "That from and after the 1st of May, 1707, the kingdoms of Scotland and England should be incorporated into one kingdom of Great Britain, under the same sovereign, and that the succession should be fixed in the princess Sophia, dowager of Hanover, and her descendants, being protestants. All papists, or persons marrying papists, being declared incapable of ascending the throne. That there should be one parliament, and that the proportion of Scotland should be forty-five commoners, and no more, and sixteen representative peers; but that all the others should enjoy the rank of peers of Great Britain, only they should not sit

and vote in the parliament, or vote upon the trial of peers. That the public law and government should be the same in both, but each to retain their own respective civil and criminal courts, and no alteration should be made in the laws concerning private rights, except for the evident benefit of the subjects of Scotland; a full participation in all the benefits and privileges of commerce, with an equalization of the imposts and taxes, all differences on which, were to be decided in a new court of exchequer; all heritable offices and jurisdictions were to remain as formerly. There was to be only one seal for the united kingdom, and the regalia was never to be removed from Scotland. Besides, there was one, perhaps the most important article, an equivalent, or compensation of five hundred thousand pounds was to be paid by the English treasury, for what part of the Scottish customs and excise should go to pay any part of the public debt of England, and to repay the losses incurred by the Darien company, a sum necessary to obtain the support or the silence of some of the most noisy oppositionists.

As the majority in Scotland had never contemplated more than a federative union, a violent and almost universal burst of indignation was heard when these articles were announced: the nobles, merchants, and people, united in deprecating a union, which they imagined would degrade the dignity of their chiefs, load them with English taxes and excise, and destroy for ever that independence for which Wallace had bled, and Bruce had conquered. It is difficult, indeed, to say whether any of the statesmen saw clearly the advantages that were ultimately to arise from this happy event, so great was the prejudice, and so many the obstacles, from the passions and private interests of the parties; but a conviction of the evils which must arise from the separation of the crowns, and the danger of renewing any civil contest, had a strong influence upon the most enlightened promoters of the measure, while motives of personal aggrandizement and immediate profit were dexterously urged upon those whose patriotism was susceptible of no higher excitement. In parliament it met with a powerful and strenuous opposition from some of the most eloquent orators Scotland ever produced. "Where," said Belhaven,

in his last, energetic, but vain appeal to the feelings of a Scottish parliament, “ where are the Douglases, the Grahams, the Campbells, our peers, and chieftains, who vindicated by their swords from the usurpation of the English Edwards, the independence of their country, which their sons are about to forfeit by a single vote? I see the English constitution remaining firm; the same houses of parliament; the same taxes, customs, and excise; the same trading companies, laws, and judicatures, whilst ours are either subjected to new regulations, or are annihilated for ever. And for what? that we may be admitted to the honour of paying their old arrears, and presenting a few witnesses to attest the new debts, which they may be pleased to contract! Good God! is this an entire surrender? My heart bursts with indignation and grief, at the triumph which the English will obtain to-day, over a fierce and warlike nation, that has struggled to maintain its independence so long! But if England should offer us our own conditions, never will I consent to the surrender of our sovereignty, without which, unless the contracting parties remain independent, there is no security different from his, who stipulates for the preservation of his property, when he becomes a slave!” A secret distribution of twenty thousand pounds, under the name of arrears, blunted the effect of this address in the house. But all could not be purchased, and a conspiracy out of doors threatened to accomplish, what no arguments could produce within. At Glasgow the populace incensed at the opposition of the magistrates, to an address against the union, seized, and for some days kept tumultuous possession of the town. Throughout the western counties the Cameronians and peasants held frequent meetings; and at Dumfries, the articles were burned at the Cross; the conspiracy extended to Perth and Angus, and Cunningham, an old and experienced officer, was already in Edinburgh concerting a general rising, when the whole was most fortunately discovered to the commissioner, and the scheme was abandoned. In the capital the mob were outrageous, and the commissioner at the risk of his life attended his duty in parliament; nor was it till a strong party of military was introduced, that any who were not in opposition could venture to appear on the streets. The duke of Hamil-

ton, whose versatility as a statesman, had often disappointed the hopes of the opposition, was the occasion of their losing the best and only opportunity which appeared to promise success. It was proposed when the article respecting the representation should come to be discussed, upon its being carried, as they expected, a solemn protest should be entered; and on its refusal, they were to retire in a body, and present an address to the queen. Had this measure been duly executed, the commissioner and his friends, it is said, were prepared to adjourn the parliament, and to desist from an union to which the aversion of the people was so general; but on the evening before, Hamilton was gained by the promises of Queensberry, and shrinking from the responsibility of heading the addressers, he pretended indisposition on the morning of the eventful day, and the court party carrying their motion, the opposition withdrew in disgust. The other articles were carried without debate, and the only addition to these, settled on by the commissioners, was one for securing the presbyterian religion, as the established religion of Scotland—and the episcopalian, as the same in England. The treaty, which by courtesy had been first discussed in the Scottish, was transmitted to the English parliament, where it occasioned a warm debate, but was eventually carried by an overpowering majority. It immediately received the royal sanction, and on the 1st of May, 1707, the queen of the kingdoms of Scotland and England was proclaimed queen of the UNITED KINGDOM OF GREAT BRITAIN.

THE END.

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### DIRECTIONS FOR THE BINDER.

Head of Buchanan, face title page, Vol. I.

Address, between title and contents, Vol. I.

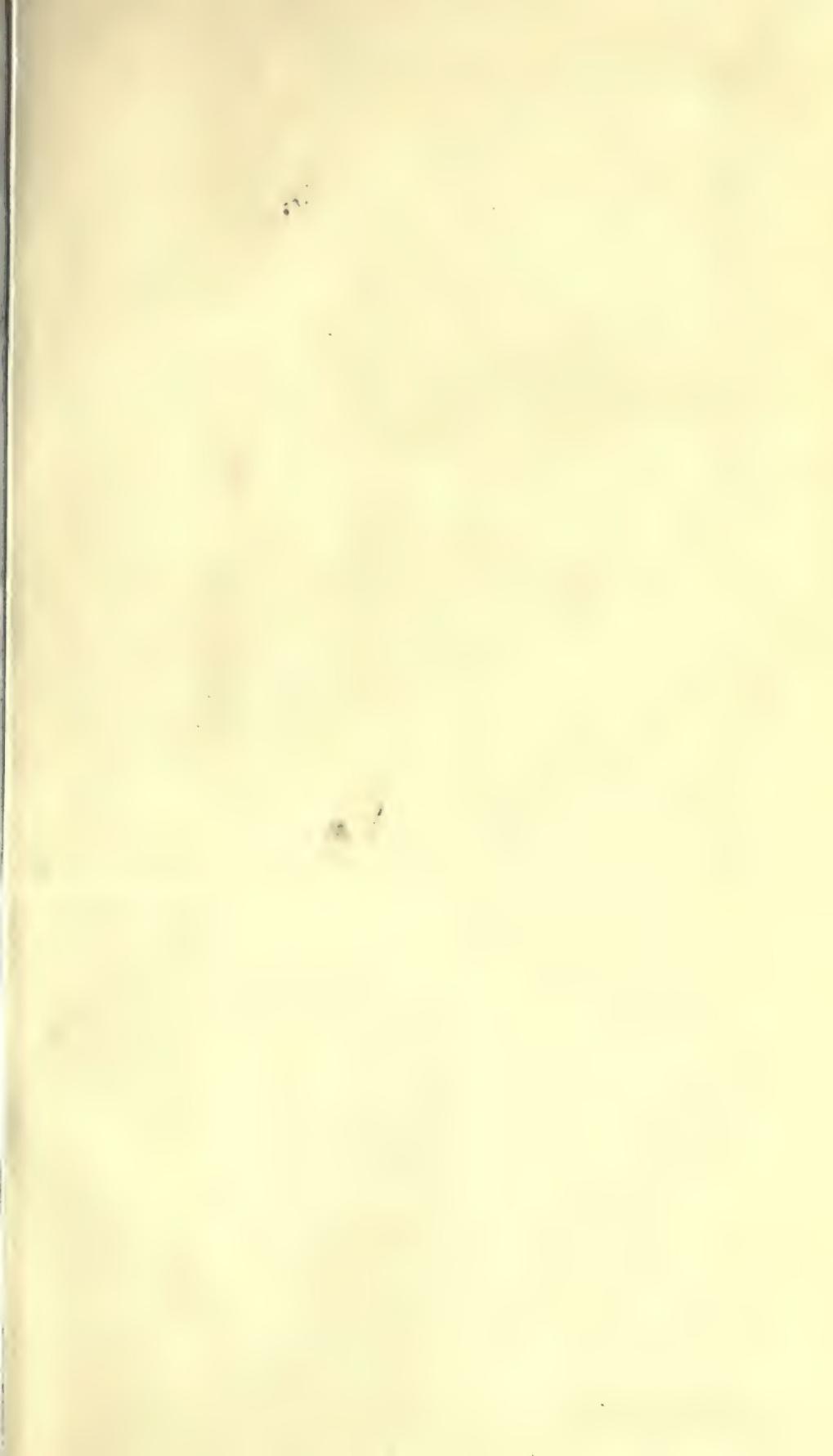
Map of Scotland, page 1, Vol. I.

Head of Mary, title, Vol. II.

Head of Knox, title, Vol. III.

Head of Graham, title, Vol. IV.

Battle of Bothwell Bridge, page 581, Vol. IV.









1680  
(1506-1582)

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NAME OF BORROWER.

